

APPENDIX

ORDERS AND OPINIONS OF THE C OURTS

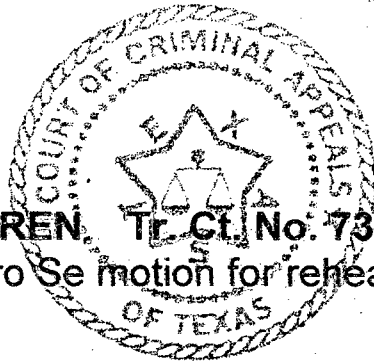
OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

8/21/2019

SHEPPARD, WILFRED WARREN. Tr. Ct. No. 73471

03-19-00180-CR
PD-0553-19

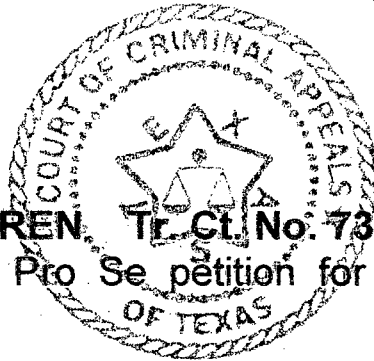
On this day, the Appellant's Pro Se motion for rehearing has been denied.



Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DR.
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



7/3/2019

SHEPPARD, WILFRED WARREN. TEL. CL. No. 73471

COA No. 03-19-00180-CR

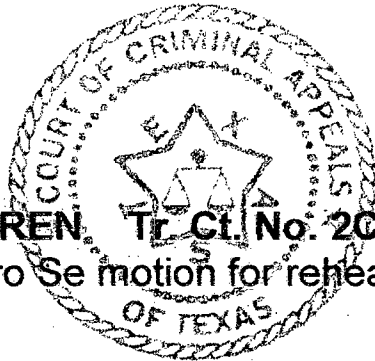
PD-0553-19

On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DR.
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



8/21/2019

SHEPPARD, WILFRED WARREN

Tr. Ct. No. 2014-01404

03-19-00267-CR

PD-0627-19

On this day, the Appellant's Pro Se motion for rehearing has been denied.

Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DRIVE
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



8/21/2019

03-19-00268-CR

SHEPPARD, WILFRED WARREN Tr. Ct. No. 2C14-02351

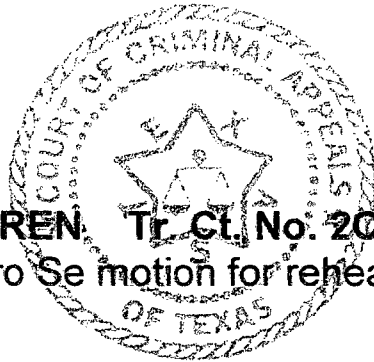
PD-0628-19

On this day, the Appellant's Pro Se motion for rehearing has been denied.

Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DRIVE
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



8/21/2019

03-19-00269-CR

SHEPPARD, WILFRED WARREN Tr. Ct. No. 2C14-01404

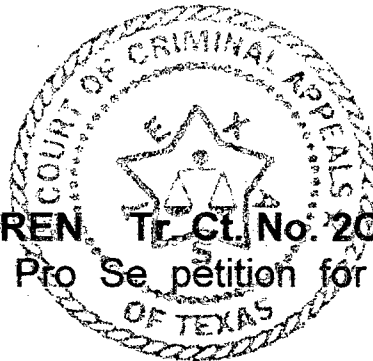
PD-0629-19

On this day, the Appellant's Pro Se motion for rehearing has been denied.

Deana Williamson, Clerk

3RD COURT OF APPEALS CLERK
JEFF KYLE
P O BOX 12547
AUSTIN, TX 78711
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



7/24/2019

SHEPPARD, WILFRED WARREN

Tr. Ct. No. 2C14-01404

COA No. 03-19-00267-CR

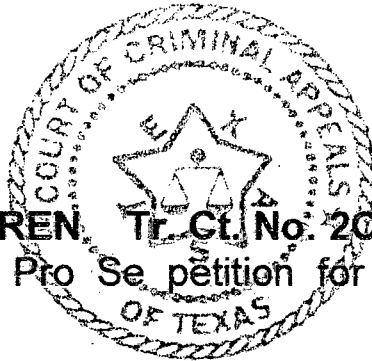
PD-0627-19

On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Deana Williamson, Clerk

STATE PROSECUTING ATTORNEY
STACEY SOULE
P. O. BOX 13046
AUSTIN, TX 78711
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



7/24/2019

SHEPPARD, WILFRED WARREN

Tr. Ct. No.

2014-02351

COA No. 03-19-00268-CR

PD-0628-19

On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DRIVE
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

7/24/2019

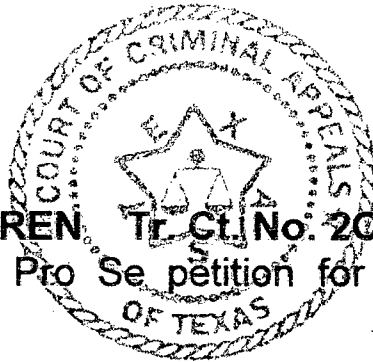
SHEPPARD, WILFRED WARREN

Tr. Ct. No. 2014-01404

COA No. 03-19-00269-CR

PD-0629-19

On this day, the Appellant's Pro Se petition for discretionary review has been refused.



Deana Williamson, Clerk

WILFRED WARREN SHEPPARD
4908 LAKESHORE DRIVE
KILLEEN, TX 76543
* DELIVERED VIA E-MAIL *

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00180-CR

Wilfred Warren Sheppard, Appellant

v.

The State of Texas, Appellee

**FROM THE 27TH DISTRICT COURT OF BELL COUNTY,
NO. 73471, THE HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Wilfred Warren Sheppard filed a pro se pretrial notice of appeal of the trial court's oral order denying his pretrial motion to dismiss.¹ We lack jurisdiction over Sheppard's appeal for several reasons.

In criminal cases, this Court has jurisdiction to consider appeals from the entry of an appealable order. *See* Tex. R. App. P. 25.2; Tex. Code Crim. Proc. art. 44.02; *see also* Tex. R. App. P. 26.2(a)(1). However, there must be a written, signed order from which to appeal. *See State v. Sanavongxay*, 407 S.W.3d 252, 259 (Tex. Crim. App. 2012) (noting that "our precedent requires that an order be in writing" when discussing State's statutory right to appeal pretrial suppression order); *see also State v. Rosenbaum*, 818 S.W.2d 398, 401-02 (Tex. Crim. App. 1991) (holding that for purposes of appeal, trial court "enters" order when judge signs order). The record before us contains no written, signed order denying Sheppard's motion to

¹ The trial court's docket sheet reflects that a Faretta hearing has been held and that Sheppard is representing himself at trial.

dismiss; thus, there has been no entry of an appealable order. *See, e.g., Dekneef v. State*, No. 03-13-00699-CR, 2013 WL 6801261, at *1 (Tex. App.—Austin Dec. 20, 2013, no pet.)

Even if the trial court had signed an order, we find no authority for Sheppard to appeal the order. In Texas, appeals in a criminal case are permitted only when they are specifically authorized by statute. *State ex rel. Lykos v. Fine*, 330 S.W.3d 904, 915 (Tex. Crim. App. 2011); *see Bayless v. State*, 91 S.W.3d 801, 805 (Tex. Crim. App. 2002) (“[A] defendant’s right of appeal is a statutorily created right.”). The standard for determining whether an appellate court has jurisdiction to hear and determine a case “is not whether the appeal is precluded by law, but whether the appeal is authorized by law.” *Blanton v. State*, 369 S.W.3d 894, 902 (Tex. Crim. App. 2012) (quoting *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008)); *State ex rel. Lykos*, 330 S.W.3d at 915. Thus, a court of appeals does not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. *Ex parte Apolinar*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *Ex parte Shumake*, 953 S.W.2d 842, 844 (Tex. App.—Austin 1997, no pet.). No such grant exists for a defendant’s direct appeal of an interlocutory order denying a pretrial motion to dismiss. *See, e.g., Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth 1996, no writ) (dismissing appeal because “[t]here is no statute providing for interlocutory appeal of denial of a motion to dismiss”).

Finally, the trial-court certification in the record reflects that Sheppard has no right of appeal. We are required to dismiss an appeal “if a certification that shows the defendant has a right of appeal has not been made part of the record.” *See Tex. R. App. P. 25.2(d); Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005).

Accordingly, we dismiss the appeal for want of jurisdiction. *See Tex. R. App. P. 25.2(a)(2), (d); id. R. 43.2 (f).*

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Kelly and Smith

Dismissed for Want of Jurisdiction

Filed: May 1, 2019

Do Not Publish

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED MAY 1, 2019

NO. 03-19-00180-CR

Wilfred Warren Sheppard, Appellant

v.

The State of Texas, Appellee

**APPEAL FROM THE 27TH DISTRICT COURT OF BELL COUNTY
BEFORE CHIEF JUSTICE ROSE, JUSTICES KELLY AND SMITH
DISMISSED FOR WANT OF JURISDICTION-- OPINION BY CHIEF JUSTICE ROSE**

Having reviewed the record, it appears that the Court lacks jurisdiction over this appeal. Therefore, the Court dismisses the appeal for want of jurisdiction. Because appellant is indigent and unable to pay costs, no adjudication of costs is made.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-19-00267-CR
NO. 03-19-00268-CR
NO. 03-19-00269-CR**

Wilfred Warren Sheppard, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 2 OF BELL COUNTY,
NO. 2C14-01404, NO. 2C14-02351, & NO. 2C16-04640
THE HONORABLE JOHN MICHAEL MISCHTIAN, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Wilfred Warren Sheppard filed pro se pretrial notices of appeal of the trial court's oral order denying his pretrial "Motion to Quash Indictment (Information)" filed in cause numbers 2C14-01404 and 2C14-02351 and his motion to sever cause number 2C16-04640.¹ (Although the motion to quash appears to have been filed in all three cause numbers, Sheppard's notices of appeal only challenge its denial in the two listed cause numbers.) We lack jurisdiction over Sheppard's appeal.

In criminal cases, this Court has jurisdiction to consider appeals from the entry of an appealable order. *See* Tex. R. App. P. 25.2; Tex. Code Crim. Proc. art. 44.02; *see also* Tex. R. App. P. 26.2(a)(1). However, there must be a written, signed order from which to appeal.

¹ The trial court's docket sheet reflects that a Faretta hearing has been held and that Sheppard is representing himself at trial.

See State v. Sanavongxay, 407 S.W.3d 252, 259 (Tex. Crim. App. 2012) (noting that “our precedent requires that an order be in writing” when discussing State’s statutory right to appeal pretrial suppression order); *see also State v. Rosenbaum*, 818 S.W.2d 398, 401-02 (Tex. Crim. App. 1991) (holding that for purposes of appeal, trial court “enters” order when judge signs order). The record before us contains no written, signed order denying Sheppard’s motion to quash or his motion to sever; thus, there has been no entry of an appealable order. *See, e.g., Dekneef v. State*, No. 03-13-00699-CR, 2013 WL 6801261, at *1 (Tex. App.—Austin Dec. 20, 2013, no pet.)

Even if the trial court had signed an order, we find no authority for Sheppard to appeal either type of order. In Texas, appeals in a criminal case are permitted only when they are specifically authorized by statute. *State ex rel. Lykos v. Fine*, 330 S.W.3d 904, 915 (Tex. Crim. App. 2011); *see Bayless v. State*, 91 S.W.3d 801, 805 (Tex. Crim. App. 2002) (“[A] defendant’s right of appeal is a statutorily created right.”). The standard for determining whether an appellate court has jurisdiction to hear and determine a case “is not whether the appeal is precluded by law, but whether the appeal is authorized by law.” *Blanton v. State*, 369 S.W.3d 894, 902 (Tex. Crim. App. 2012) (quoting *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008)); *State ex rel. Lykos*, 330 S.W.3d at 915. Thus, a court of appeals does not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. *Ex parte Apolinar*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *Ex parte Shumake*, 953 S.W.2d 842, 844 (Tex. App.—Austin 1997, no pet.). No such grant exists for a defendant’s direct appeal of an interlocutory order denying a pretrial motion to quash or a pretrial motion to sever. *See, e.g., Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth 1996, no writ)

(dismissing appeal because “[t]here is no statute providing for interlocutory appeal of denial of a motion to dismiss”).

Accordingly, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 25.2(a)(2), (d); *id.* R. 43.2 (f).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Kelly and Smith

Dismissed for Want of Jurisdiction

Filed: May 24, 2019

Do Not Publish