

APPENDIX - A
UNDER THIS COVER -



COURT OF APPEALS
SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
BONNIE SUDDERTH

JUSTICES
LEE GABRIEL
ELIZABETH KERR
J. WADE BIRDWELL
DABNEY BASSEL
DANA WOMACK
MIKE WALLACH

TIM CURRY CRIMINAL JUSTICE CENTER
401 W. BELKNAP, SUITE 9000
FORT WORTH, TEXAS 76196-0211

TEL: (817) 884-1900

FAX: (817) 884-1932

www.txcourts.gov/2ndcoa

CLERK
DEBRA SPISAK

CHIEF STAFF ATTORNEY
LISA M. WEST

GENERAL COUNSEL
CLARISSA HODGES

December 8, 2020

Russell Jay Reger
TDCJ #00747783
French Robertson Unit
12071 FM 3522
Abilene, TX 79601-8749

RE: Court of Appeals Number: 02-20-00161-CR
Trial Court Case Number: 0579930D

Style: Russell Jay Reger
v.
The State of Texas

The court has received a copy of the notice of appeal in this case. *See* Tex. R. App. P. 25.2(e).

The court is concerned that it lacks jurisdiction over this appeal because the trial court has not entered any appealable orders. In the criminal context, the court's jurisdiction is generally limited to cases in which the trial court has signed a judgment of conviction. *See McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). This court does not have jurisdiction over matters related to postconviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding); *see also* Tex. Code Crim. Proc. Ann. art. 11.07; *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (orig. proceeding).

Unless appellant or any party desiring to continue the appeal files with the court on or before **Friday, December 18, 2020**, a response showing grounds for continuing the appeal, this appeal may be dismissed for want of jurisdiction. *See* Tex.

R. App. P. 43.2(f); 44.3.

Respectfully yours,

DEBRA SPISAK, CLERK



By: Karen Brown, Deputy Clerk

cc: Joseph W. Spence
Assistant District Attorney
Tim Curry Criminal Justice Center
401 W. Belknap St.
Fort Worth, TX 76196

Court Reporter, Criminal District Court No. 3
Tim Curry Criminal Justice Center
401 W. Belknap St.
Fort Worth, TX 76196-0215

Criminal District Clerk, Tarrant County
Tim Curry Criminal Justice Center
401 W. Belknap, 3rd Floor
Fort Worth, TX 76196-0402

Hon. Robb Catalano
Judge, Criminal District Court No. 3
Tim Curry Criminal Justice Center
401 W. Belknap
Fort Worth, TX 76196

APPENDIX - B
UNDER THIS COVER -



COURT OF APPEALS

SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
BONNIE SUDDERTH

JUSTICES
ELIZABETH KERR
J. WADE BIRDWELL
DABNEY BASSEL
DANA WOMACK
MIKE WALLACH
BRIAN WALKER

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www.txcourts.gov/2ndcoa

CLERK
DEBRA SPISAK

CHIEF STAFF ATTORNEY
LISA M. WEST

GENERAL COUNSEL
CLARISSA HODGES

February 11, 2021

Russell Jay Reger
TDCJ #00747783
French Robertson Unit
12071 FM 3522
Abilene, TX 79601-8749

Hon. David L. Evans
Regional Presiding Judge
Tom Vandergriff Civil Courts Building
100 N. Calhoun, 4th Floor
Fort Worth, TX 76196
* DELIVERED VIA E-MAIL *

Hon. Robb Catalano
Judge, Criminal District Court No. 3
Tim Curry Criminal Justice Center
401 W. Belknap
Fort Worth, TX 76196
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Joseph W. Spence
Assistant Criminal District Attorney
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Fort Worth, TX 76196-0201
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Criminal District Clerk, Tarrant County
Tim Curry Criminal Justice Center
401 W. Belknap, 3rd Floor
Fort Worth, TX 76196-0402
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 02-20-00161-CR
Trial Court Case Number: 0579930D

Style: Russell Jay Reger
v.
The State of Texas

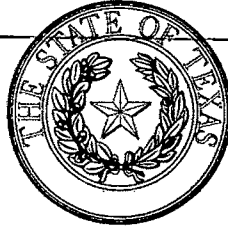
Today the Second Court of Appeals issued an opinion and judgment in the above-referenced cause. Copies of the opinion and judgment are attached and can also be viewed on our Court's webpage at: <http://www.txcourts.gov/2ndcoa>.

02-20-00161-CR
February 11, 2021
Page 2

Respectfully yours,

DEBRA SPISAK, CLERK

Debra Spisak



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00161-CR

RUSSELL JAY REGER, Appellant

V.

THE STATE OF TEXAS

**On Appeal from Criminal District Court No. 3
Tarrant County, Texas
Trial Court No. 0579930D**

**Before Kerr, Birdwell, and Bassel, JJ.
Memorandum Opinion by Justice Kerr**

MEMORANDUM OPINION

In 1996, a jury convicted Russell Jay Reger of murder, and the trial court sentenced him to life in prison. We affirmed Reger's conviction on direct appeal. *See Reger v. State*, No. 02-96-00217-CR (Tex. App.—Fort Worth July 31, 1997, pet. ref'd) (not designated for publication).

In 2005, Reger moved for postconviction forensic DNA testing. *See Reger v. State*, 222 S.W.3d 510, 512 (Tex. App.—Fort Worth 2007, pet. ref'd). *See generally* Tex. Code Crim. Proc. Ann. arts. 64.01–.05. The trial court denied Reger's motion, and we affirmed that denial on appeal.¹ *See Reger*, 222 S.W.3d at 515.

Now, Reger, proceeding pro se, appears to assert that we lacked jurisdiction over those appeals and has filed a “[Second] Amended Notice of Appeal of Lacking Final Judgment,” attempting to appeal from the “overruling by operation of law” of “Defendant Reger’s Sworn and Verified Out-of-Time Motion for New Trial with Omnibus Motions in Arrest of Judgment with Speedy Trial Violation; Nunc Pro Tunc, and Bill of Exception to Support in Plea of Jurisdiction of Void Interlocutory Appellate Cause Nos. 02-96-00217-CR and 02-06-00104-CR.”

In the criminal context, our jurisdiction is generally limited to cases in which the trial court has signed a judgment of conviction. *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.) (per curiam). We do not have jurisdiction

¹We docketed this appeal under cause number 02-06-00104-CR.

over matters related to postconviction relief² from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding); *see also* Tex. Code Crim. Proc. Ann. art. 11.07; *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (orig. proceeding). We thus notified Reger of our concern that we lack jurisdiction over this appeal. We warned him that we could dismiss this appeal for want of jurisdiction unless he or any party wanting to continue the appeal filed a response showing grounds for continuing the appeal. *See* Tex. R. App. P. 43.2(f), 44.3.

We have reviewed “Appellant Reger’s Response Showing Grounds for Continuing Appeal,” as well as “Appellant Reger’s Objections to the Conspired Denials of Adequate, Meaningful, and Effective Access to the Courts.” Because neither shows grounds for continuing this appeal, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f)

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

Do Not Publish
Tex. R. App. P. 47.2(b)

Delivered: February 11, 2021

²Chapter 64 of the Texas Code of Criminal Procedure governs postconviction DNA testing and is “a procedural vehicle for obtaining evidence” to be used in a later habeas proceeding. *In re Garcia*, 363 S.W.3d 819, 822 (Tex. App.—Austin 2012, no pet.).



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00161-CR

RUSSELL JAY REGER, Appellant

v.

THE STATE OF TEXAS

§ On Appeal from Criminal District
Court No. 3

§
of Tarrant County (0579930D)

§
February 11, 2021

§
Memorandum Opinion by Justice Kerr

§
(nfp)

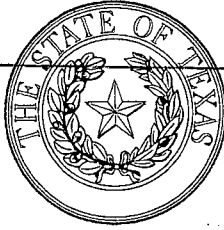
JUDGMENT

This court has considered the record on appeal in this case and holds that the appeal should be dismissed. It is ordered that the appeal is dismissed for want of jurisdiction.

SECOND DISTRICT COURT OF APPEALS

By /s/ Elizabeth Kerr
Justice Elizabeth Kerr

UNDER THIS COVER -
APPENDIX - C



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00161-CR

RUSSELL JAY REGER, Appellant

V.

THE STATE OF TEXAS

On Appeal from Criminal District Court No. 3
Tarrant County, Texas
Trial Court No. 0579930D

ORDER

We have considered "Appellant's Motion for Rehearing/Reconsideration; and/or Rehearing En Banc of Per Curiam Order Dated February 11, 2021."

It is the opinion of the court that the motion for rehearing en banc should be and is hereby denied and that the opinion and judgment of February 11, 2021, stand unchanged.

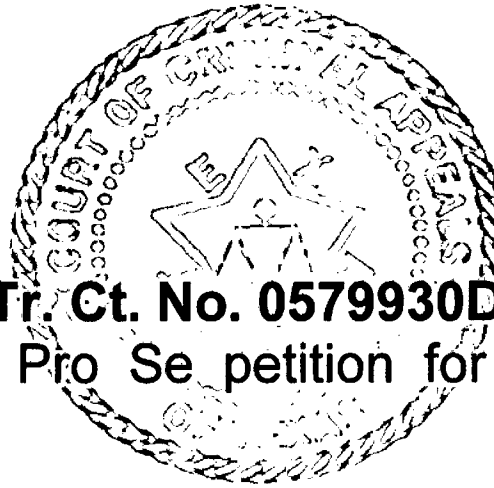
We direct the clerk of this court to send a notice of this order to the pro se
appellant and the attorneys of record.

Signed March 11, 2021.

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

En Banc

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



23/2021

EGER, RUSSELL JAY

Tr. Ct. No. 0579930D

COA No. 02-20-00161-CR

PD-0249-21

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

Deana Williamson, Clerk

**RUSSELL JAY REGER
ROBERTSON UNIT - TDC #747783
12071 FM 3522
ABILENE, TX 79601**

APPENDIX-D
UNDER THIS COVER -

APPENDIX - E

UNDER THIS COVER -

STATE OF TEXAS

§

§

KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF JONES

§

SWORN AFFIDAVIT OF RUSSELL JAY REGER (TDCJ-CID #747783)(SID #05422444)

IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

That I, Russell Jay Reger, "Petitioner", do hereby state under penalty of perjury that the following facts detailed in this AFFIDAVIT are, to the best of my knowledge and belief- true and correct- based upon the best evidence made available to me -or- in my possession at time of executing this AFFIDAVIT. If I knowingly or intentionally lie- may I then burn in the hottest flames inside eternal hell. I am over 50 years of age, and am competent to make this AFFIDAVIT and duly swear that:

[U]nder Texas Law - I have not yet been duly tried, convicted or sentenced for any crime. I have remained falsely imprisoned in a hot Texas Prison for more than a quarter-of-a-century "Post-Indicted/ Pretrial Status." I have been subjected to involuntary servitude and tortured, forced to work against medical restrictions resulting in bodily injuries documented in medical and administrative records. Persons acting under the Color of Texas Law know these facts- they do not contest them- and stand firm that the judiciary will endorse them by ignoring my cries for justice and mercy. My Speedy Trial rights have been spat upon, and newly discovered material- exculpatory, impeaching, and mitigating evidence has been procedurally ignored. Nobody, no court or government officer cares to give me a simple merits hearing because they already know what would then be exposed - the truth of what I have sworn to above. If you think I am lying, PLEASE, charge me with Perjury. Let the world then see who had been telling the truth- for decades!

FURTHER I SAYETH NOUGHT!

SWORN TO BENEATH THE WINGS OF ALMIGHTY GOD on this 23rd day in August, 2021
TRUE AND CORRECT - SO HELP ME GOD!

[Tex.Civ.Prac.& Rem.Code § 132.001-.003 et seq / Title 18 U.S.C. § 1621 & 28 U.S.C. § 1746]
(A signed/dated copy of this AFFIDAVIT shall have the same validity as its original)

Respectfully Submitted,

EXECUTED UNDER RULE 11 OF THE
FEDERAL RULES OF CIVIL PROCEDURE

→ /s/

Petitioner, Pro Se.
Russell Jay Reger #747783
French M. Robertson Unit.
12071 FM 3522
Abilene, Texas 79601-8749
(325)548-9035
www.free-rusty-reger.net / .com