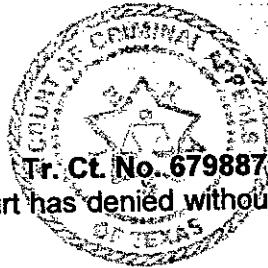


OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711



12/21/2022

KOSSIE, LEXTER KENNON Tr. Ct. No. 6798870102D

WR-10,978-56

This is to advise that the Court has denied without written order the application for
writ of habeas corpus.

Deana Williamson, Clerk

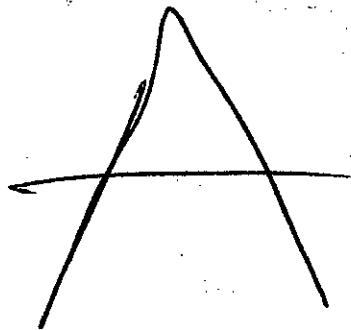
12BD-58

LEXTER KENNON KOSSIE
STILES UNIT - TDC # 700661
3060 FM 3514
BEAUMONT, TX 77705

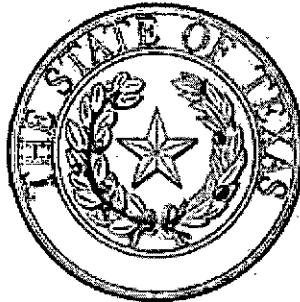
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APPENDIX



Motions Disposed, Appeal Dismissed, and Memorandum Opinion filed January 26, 2021.



In The
Fourteenth Court of Appeals

NO. 14-20-00671-CR

LEXTER KENNON KOSSIE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 185th District Court
Harris County, Texas
Trial Court Cause No. 679887**

MEMORANDUM OPINION

This is an attempted appeal from “the trial court’s failure to hold a hearing” on appellant’s “Motion For New Trial Out-of-Time,” which was filed on June 22, 2020.¹ No order denying appellant’s request for a hearing appears in the record. We lack appellate jurisdiction absent a written order. *See State v. Sanavongxay*, 407

¹ We affirmed appellant’s conviction in 1997. *Kossie v. State*, No. 14-94-01171-CR; 1997 WL 109996 (Tex. App.—Houston [14th Dist.] Mar. 13, 1997, no pet.) (not designated for publication).

S.W.3d 252, 258–59 (Tex. Crim. App. 2012).

On December 10, 2020, we notified the parties of our intent to dismiss this appeal (“the First Appeal”) unless appellant demonstrated, within 21 days, that the court has jurisdiction. In response, appellant filed a motion to hold this appeal in abeyance because the trial court had since signed an order denying his request for a hearing. He contended his notice of appeal was premature and should be deemed filed on the date the trial court signed the order. *See Tex. R. App. P. 27.1(b)*.

On December 22, 2020, appellant filed a notice of appeal from that order. No. 14-21-00008-CR, *Kossie v. State* (“the Second Appeal”).

On January 7, 2021, the State filed a motion to dismiss the First Appeal for lack of jurisdiction on the ground that an order denying a request for a hearing is not immediately appealable. Appellant filed an objection to that motion, again urging us not to dismiss the First Appeal but to consider his notice of appeal premature and/or to consolidate the First Appeal with the Second Appeal.

Appellant’s filing of the Second Appeal moots the First Appeal. Further, the lack of a signed order in the First Appeal deprives this court of jurisdiction.

We order as follows:

1. We dismiss the First Appeal on our motion.
2. Appellant’s motion to hold the First Appeal in abeyance, the State’s motion to dismiss the First Appeal, appellant’s objection to the State’s motion to dismiss, and the State’s motion to extend time to file its brief are denied as moot.
3. The Second Appeal remains pending. Any jurisdictional defect in the Second Appeal will be addressed separately.

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Jewell and Poissant.

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