DISMISS; and Opinion Filed June 27, 2018.

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00638-CR

BILLY WAYNE WILLIAMS, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F03-00824-W

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Schenck
Opinion by Justice Lang-Miers

Billy Wayne Williams filed a notice of appeal, stating he was challenging the trial court's nunc pro tunc judgment dated April 4, 2018. We dismiss this appeal for want of jurisdiction.

"Jurisdiction concerns the power of a court to hear and determine a case." *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The jurisdiction of an appellate court must be legally invoked, and, if it is not, the power of the court to act is as absent as if it did not exist. *See id*. at 523. The denial of a motion seeking nunc pro tunc relief is not appealable. *See Sanchez v. State*, 112 S.W.3d 311, 312 (Tex. App.—Corpus Christi 2003, no pet.) (per curiam); *Everett v. State*, 82 S.W.3d 735, 735 (Tex. App.—Waco 2002, no pet.); *Allen v. State*, 20 S.W.3d 164, 165 (Tex. App.—Texarkana 2000, no pet.); *see also Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex.

Crim. App. 2008) (appellate court lacked jurisdiction to review appeal order denying motion for additional time credit.

Appellant filed a motion in the trial court seeking to recuse or disqualify the Dallas County District Attorney's Office and asking for a judgment nunc pro tunc. The trial court denied the motion by order dated April 4, 2018. Appellant then filed a notice of appeal of the "NUNC PRO TUNC JUDGMENT." The trial court, however, did not sign a nunc pro tunc judgment; rather, it denied the relief requested.

We dismiss this appeal for want of jurisdiction.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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TEX. R. APP. P. 47.2(b)

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Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

BILLY WAYNE WILLIAMS, Appellant	On Appeal from the 363rd Judicial District Court, Dallas County, Texas
No. 05-18-00638-CR V.	Trial Court Cause No. F03-00824-W.
THE STATE OF TEXAS, Appellee	Opinion delivered by Justice Lang-Miers, Justices Evans and Schenck participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal for want of jurisdiction.

Judgment entered this 27th day of June, 2018.