

Dismissed and Opinion filed January 18, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01329-CR

THE STATE OF TEXAS, Appellant

V.

**BOBBY WAYNE DOLLARHIDE, FELIPE GARZA, JR., D/B/A GARZA BAIL
BONDS, AND DAWNE DOLLARHIDE, Appellees**

**On Appeal from the County Court at Law No. 3
Brazoria County, Texas
Trial Court Cause No. 25,997B**

M E M O R A N D U M O P I N I O N

On October 5, 1999, the trial court signed a "JUDGMENT NISI ON FORFEITURE OF BOND." In that order, the trial court stated the defendant, Bobby Wayne Dollarhide, had failed to appear to answer the criminal charges against him. As a result of this non-appearance, the trial court ordered the \$800.00 bail bond, which was signed by Bobby Wayne Dollarhide as principal and Felipe Garza, Jr., d/b/a Garza Bail Bonds, and Dawne Dollarhide as sureties, forfeited to the State unless on the Monday next after the expiration of twenty days from service of citation good cause was shown why Bobby Wayne Dollarhide did not appear.

Subsequently, the State moved to set aside the October 5, 1999, order and to dismiss the bail bond forfeiture with costs to be paid by Bobby Wayne Dollarhide. On December 6, 1999, the trial court granted the State's request. Later, the State filed a second motion to set aside the bail bond forfeiture. This time, the State asked that costs be assessed against Felipe Garza, Jr., one of the sureties on the bond. The trial court granted this request by order dated June 30, 2000.

On July 10, 2000, in accordance with the June 30, 2000, order, Felipe Garza, Jr., paid the costs in the amount of \$208.00. On September 7, 2000, however, he filed a motion for refund alleging the trial court was without jurisdiction when it entered the order on June 30, 2000. Specifically, the motion alleged that the trial court's plenary power expired thirty days after entering the December 6, 1999, order, and therefore, the court lost jurisdiction over the matter thirty days later.

The trial court agreed and on October 16, 2000, entered an "ORDER OF REFUND." In that order, the trial court found that its dismissal order of December 6, 1999, dismissed the entire case and that its plenary power expired thirty days later. The trial court concluded it had no jurisdiction on June 30, 2000, to order Felipe Garza, Jr., to pay the costs of court. Accordingly, the trial court ordered the clerk of the court to refund the \$208.00.

On October 25, 2000, the State filed a timely notice of appeal seeking to appeal from the order of refund signed October 16, 2000. On December 27, 2000, this Court sent notice to the parties that the Court would consider dismissal of the appeal on its own motion for want of jurisdiction unless any party filed a response on or before January 8, 2001, showing meritorious grounds for continuing the appeal. Specifically, the notice stated that the order from which the State is attempting to appeal is not an appealable order. Neither party filed a response to the notice.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 18, 2001.

Panel consists of Justices Yates, Wittig, and Frost.

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