Dismissed and Opinion filed August 24, 2000.

In The

Fourteenth Court of Appeals

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NO. 14-99-00989-CR

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STEVEN LEE DOUGLAS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 178th Judicial District Court
Harris County, Texas
Trial Court Cause No. 519,773

O P I N I O N

Steven Lee Douglas, appellant, pleaded guilty to the offense of murder with a deadly weapon. *See* TEX. PEN. CODE ANN. § 19.02 (Vernon Supp. 2000). The trial court ordered appellant to serve ten years of deferred adjudication probation. After appellant violated certain terms and conditions of his probation, the trial court adjudicated his guilt and assessed punishment at twenty years' confinement in the Texas Department of Criminal Justice, Institutional Division.

On July 19, 1999, appellant filed a motion for judgment *nunc pro tunc* requesting that he be given one hundred one (101) days of jail time credit on his sentence. The trial court took

no action on that motion. Appellant filed a *pro se* notice of appeal on August 23, 1999. In his sole point of error, appellant contends the trial court erred in refusing to credit his jail time and requests that this court grant his motion for judment *nunc pro tunc.* On appeal, the State challenges this court's jurisdiction to hear the case based on the trial court's failure to act on the motion for judgment *nunc pro tunc.* We agree and dismiss the appeal for want of jurisdiction.

Generally, absent a specific statute, appellate courts only have jurisdiction over final orders or judgments. *See Lowe v. State*, 999 S.W.2d 537, 538 (Tex. App.—Houston [14th Dist.] 1999, no pet.). To be final, the order must dispose of all the parties and all the issues, leaving nothing for further decision except as necessary to execute what has been determined. *See State v. Snell*, 950 S.W.2d 108, 111 (Tex. App.—El Paso 1997, no pet.).

Appellant filed his motion for judgment *nunc pro tunc* on July 19, 1999. Subsequently, the Harris County District Clerk's Office sent appellant a notice which reads:

> "Your motion for judgment *nunc pro tunc* was filed with the District Clerk and on July 26, 1999, the Court took no action. Our records reflect your jail credit time to be 356 days and sentence to begin date: January 14, 1994."

The record does not show an order either granting or denying appellant's motion for judgment *nunc pro tunc.* Each of the blanks on the order appellant submitted with his motion is blank. The word "granted" is not circled nor is it scratched out. An incompletely filled out order neither grants nor denies appellant's motion. *See State v. Vinson*, 6 S.W.3d 704, 705 (Tex. App.—Waco, 1999, no pet.). Further, the memorandum sent to appellant by the District Clerk indicates the trial court took no action on appellant's motion. Because this cannot be said to be a final order denying or granting the motion, we have no jurisdiction over appellant's appeal.

Appellant requests that this court grant his motion for judgment *nunc pro trunc* to correct the amount of jail time credited. We note that a request by a defendant for credit on his sentence is more appropriately handled in trial court where necessary documentation can

be obtained and corrections can be made. *See* TEX. R. APP. P. 23; *Shaw v. State*, 539 S.W.2d 887, 890 (Tex. Crim. App. 1976); *Vega v. State*, 675 S.W.2d 551, 554 (Tex. App.—Houston [14th Dist.] 1984, no pet.).

Accordingly, we order this appeal dismissed for want of jurisdiction.

/s/ Wanda McKee Fowler
Justice

Judgment rendered and Opinion filed August 24, 2000.

Panel consists of Justices Anderson, Fowler and Edelman.

Do Not Publish — TEX. R. APP. P. 47.3(b).

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