

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Shelton Ray Davison v. The State of Texas

No. 04-25-00643-CR (Tex. App.—San Antonio Dec. 10, 2025) · No. 04-25-00643-CR · Decided December 10, 2025

SUMMARY

The Fourth Court of Appeals of Texas dismissed Shelton Ray Davison’s appeal for lack of jurisdiction. The court held that the trial court’s order referring competency-related proceedings to a criminal law magistrate was not an appealable interlocutory order, and noted that no judgment of conviction appeared in the record.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Adrian A. Spears II, Justice; H. Todd McCray, Justice; Velia J. Meza, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	December 10, 2025
DOCKET	04-25-00643-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed a pro se interlocutory appeal from an order referring his competency issue to the criminal law magistrate court. The court of appeals dismissed the appeal for lack of jurisdiction.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction as a matter of law.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; marked DO NOT PUBLISH.
PARTIES	Shelton Ray Davison v. The State of Texas

TOPICS

- appellate jurisdiction
- interlocutory appeal
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Texas criminal appellate procedure
- competency proceedings

QUESTIONS PRESENTED

1. Whether the trial court's order referring the competency issue to the criminal law magistrate court was an appealable interlocutory order.
2. Whether the court of appeals had jurisdiction over the criminal appeal absent a judgment of conviction.
3. Whether an interlocutory appeal would be authorized from a competency-related commitment order under Texas Code of Criminal Procedure article 46B.011.

HOLDINGS

1. The trial court's order referring Davison's competency issue to the criminal law magistrate court was not an appealable interlocutory order.
2. Even if the record had shown that the magistrate judge had ruled on Davison's competency, no interlocutory appeal would have been authorized from an order committing him to a mental-health facility.

KEY QUOTATIONS

"We generally do not have jurisdiction to consider an appeal in a criminal case unless a judgment of conviction has been rendered." (at 2)

"We do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law." (at 2)

FACTUAL BACKGROUND

Davison was indicted on May 29, 2025, for assault of a peace officer. His trial counsel later filed a motion suggesting incompetency and requesting competency proceedings under Chapter 46B of the Texas Code of Criminal Procedure. The trial court referred the competency matter to the criminal law magistrate court, and Davison appealed before a judgment of conviction or a competency commitment order appeared in the record.

PROCEDURAL HISTORY

Davison was indicted for assault of a peace officer. After trial counsel filed a motion suggesting incompetency and requesting a competency examination, the trial court referred the matter to the criminal law magistrate court for scheduling of an evaluation and further proceedings. Davison filed a notice of appeal before any judgment of conviction was entered. The court ordered him to show cause why the appeal should not be dismissed, and he did not respond.

DISPOSITION

dismissed

CASES CITED

- McKown v. State, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.)
- Ragston v. State, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014)

- Queen v. State, 212 S.W.3d 619, 622-23 (Tex. App.—Austin 2006, no pet.)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-25-00643-CR Shelton Ray DAVISON, Appellant v. The STATE of Texas, Appellee From the 175th Judicial District Court, Bexar County, Texas Trial Court No. 2025-CR-006488 Honorable Liza Rodriguez, Judge Presiding PER CURIAM Sitting: Adrian A. Spears II, Justice H. Todd McCray, Justice Velia J. Meza, Justice Delivered and Filed: December 10, 2025 DISMISSED FOR LACK OF JURISDICTION The clerk's record reflects that on May 29, 2025, appellant was indicted in district court with assault of a peace officer.

On September 11, 2025, appellant's trial counsel filed a "Motion Suggesting Incompetency and Request for Examination," which (1) suggested appellant was incompetent, (2) requested disinterested experts be appointed as provided by article 46B of the Texas Code of Criminal Procedure to examine appellant with regard to his competency to stand trial, and (3) in the event the trial court determined there was evidence to support a finding of 04-24-00643-CR incompetency, hold an incompetency trial pursuant to article 46B.

On September 12, 2025, the trial court signed an order referring the matter to the criminal law magistrate court for the scheduling of a competency evaluation and further proceedings. On October 7, 2025, appellant filed a pro se notice of appeal.

The trial court's order referring the issue of appellant's competency to the criminal law magistrate is not an appealable interlocutory order. We generally do not have jurisdiction to consider an appeal in a criminal case unless a judgment of conviction has been rendered. See McKown v. State, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.).

We do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. See Ragston v. State, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). Here, there is no judgment of conviction contained within the clerk's record. Further, we note that even if the clerk's record demonstrated the magistrate judge had ruled on appellant's competency, there is no statutory provision allowing an interlocutory appeal from a judgment committing a person to a mental health facility.

See TEX. CODE CRIM. PROC. art. 46B.011 ("Neither the state nor the defendant is entitled to make an interlocutory appeal relating to a determination or ruling under Article 46B.005."); Queen v. State, 212 S.W.3d 619, 622-23 (Tex. App.—Austin 2006, no pet.) (holding that an order committing a defendant for competency restoration is an interlocutory order and dismissing appeal for lack of jurisdiction).

We therefore ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond. We dismiss this appeal for lack of jurisdiction. PER CURIAM DO NOT PUBLISH -2-

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