

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.

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-