

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PRECEDENTIAL VALUE	Unpublished memorandum opinion; marked DO NOT PUBLISH.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.)

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