

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Gary Holland v. The State of Texas

Holland · No. Nos. 09-25-00516-CR, 09-25-00517-CR · Decided February 11, 2026

SUMMARY

The Ninth Court of Appeals of Texas dismissed Gary Holland's interlocutory appeals because neither appeal arose from a final judgment or an appealable order. The court held that it lacked jurisdiction absent a statute authorizing an interlocutory appeal.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Golemon, C.J.; Johnson, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	February 11, 2026
DOCKET	Nos. 09-25-00516-CR, 09-25-00517-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Holland filed interlocutory notices of appeal from rulings in two criminal trial causes. The court of appeals dismissed both appeals for lack of appellate jurisdiction.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gary Holland v. The State of Texas

TOPICS

- appellate jurisdiction
- interlocutory appeal
- final judgment rule
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Texas criminal appellate procedure
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction to review Holland's interlocutory criminal appeals before a final judgment or sentence.
2. Whether either challenged trial-court ruling qualified as a statutorily authorized interlocutory appeal.

HOLDINGS

1. The court of appeals lacked jurisdiction because Holland sought review of interlocutory orders before a final conviction, sentence, or other appealable order.
2. Holland did not establish that either interlocutory order was expressly appealable by statute.

KEY QUOTATIONS

“A court of appeals lacks appellate jurisdiction to review an order before final judgment unless an interlocutory appeal is expressly provided by statute.” (at 2)

“Accordingly, we dismiss the appeals for lack of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Gary Holland sought appellate relief from alleged unauthorized entry of a plea and interlocutory orders or rulings issued in two criminal trial causes. He admitted that the orders he sought to appeal were interlocutory. Neither party demonstrated that the trial court had imposed a sentence in open court or signed an order appealable at that time.

PROCEDURAL HISTORY

The appeals arose from Montgomery County trial causes 25-397809 and 25-397810 in the County Court at Law No. 5. After the clerk notified the parties that the challenged orders appeared neither final nor appealable, Holland acknowledged that he was appealing interlocutory orders and argued that the trial court had acted without authority. The court dismissed the appeals because no final judgment, sentence, or statutorily appealable interlocutory order had been shown.

DISPOSITION

dismissed

CASES CITED

- Abbott v. State, 271 S.W.3d 694, 697 n.8 (Tex. Crim. App. 2008)
- Ragston v. State, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014)

OPINION

Gary Holland v. the State of Texas

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____

NO. 09-25-00516-CR

NO. 09-25-00517-CR

_____ GARY HOLLAND, Appellant V. THE STATE OF TEXAS, Appellee
_____ On Appeal

from the County Court at Law No. 5 Montgomery County, Texas Trial Cause Nos. 25-397809 and 25-397810 _____

MEMORANDUM OPINION

Gary Holland filed a Notice of Appeal (Interlocutory) for Trial Cause Numbers 25-397809 and 25-397810. In each appeal, the Clerk of the Court notified the parties by letter that it appears the order being appealed is neither a final judgment nor an appealable order. Holland responded that the appeals arise from unauthorized entry of a plea and that he is seeking relief from interlocutory orders issued by the trial court without authority. Holland admits in his response that he is 1 appealing interlocutory orders or rulings. Holland cites to authority that simply does not support his argument that he should be allowed to appeal the interlocutory ruling or order. Generally, an appeal may be taken by a defendant in a criminal case only after a final conviction. See Tex. R. App. P. 26.2(a) (establishing time for appeal by a defendant after a sentence is imposed in open court or the trial court signs an appealable order). In criminal cases, the courts of appeals have jurisdiction only of those appeals authorized by a statute. See Tex. Code Crim. Proc. Ann. art. 44.02; *Abbott v. State*, 271 S.W.3d 694, 697 n.8 (Tex. Crim. App. 2008) (A defendant's general right to appeal under Article 44.02 has always been limited to appeal from a final judgment.). A court of appeals lacks appellate jurisdiction to review an order before final judgment unless an interlocutory appeal is expressly provided by statute. See *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). Neither of the parties has shown that the trial court has imposed a sentence in open court or signed an order in Trial Cause Number 25-397809 or 25-397810 that may be appealed at this time. See Tex. R. App. P. 26.2(a). Accordingly, we dismiss the appeals for lack of jurisdiction. See id. 43.2(f). 2 APPEALS DISMISSED.

PER CURIAM

Submitted on February 10, 2026 Opinion Delivered February 11, 2026 Do Not Publish Before Golemon, C.J., Johnson and Chambers, JJ. 3