

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JANUARY SESSION, 1998

**FILED**  
February 23, 1998  
Cecil W. Crowson  
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

V.

LANDY G. KASH,

Appellant.

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C.C.A. NO. 01C01-9705-CR-00179

SMITH COUNTY

HON. J.O. BOND, JUDGE

(DUI THIRD OFFENSE)

FOR THE APPELLANT:

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OPINION FILED \_\_\_\_\_

APPEAL DISMISSED

THOMAS T. WOODALL, JUDGE

# OPINION

After being convicted of DUI, third offense, and driving on a revoked license following a jury trial, the Defendant, Landy G. Kash, filed a Motion for New Trial on December 12, 1996. There is no order in the record either granting or denying that motion. There is a handwritten notation on the motion that it was overruled, but the judge's signature does not appear in the notation. However, for an order to be valid, it must be in writing and it must be entered in the court's minutes. See Evans v. Perkey, 647 S.W.2d 636, 641 (Tenn. App. 1982); Welch v. State, 553 S.W.2d 917, 919-20 (Tenn. Crim. App. 1977). The time for appeal runs from the entry of a proper order denying a new trial. Tenn. R. App. P. 4(c).

In Hutchison v. ARO Corp., 653 S.W.2d 738, 740 (Tenn. App. 1983), the court held that in the absence of a ruling on the motion for new trial, there has been no final disposition in the lower court, and that accordingly, there is no appeal as of right and the notice of appeal is of no effect. This Court's appellate jurisdiction is limited to review of the final judgments of trial courts, and therefore, we cannot entertain this appeal as we are without jurisdiction to do so. Tenn. Code Ann. § 16-5-108(a). The appeal is therefore dismissed.

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THOMAS T. WOODALL, Judge

CONCUR:

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DAVID H. WELLES, Judge

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JERRY L. SMITH, Judge

