

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

|                     |   |                                    |
|---------------------|---|------------------------------------|
| JORGE DE LA VEGA,   | § | No. 08-09-00308-CR                 |
| Appellant,          | § | Appeal from the                    |
| v.                  | § | County Criminal Court at Law No. 1 |
| THE STATE OF TEXAS, | § | of El Paso County, Texas           |
| Appellee.           | § | (TC# 20080C010228)                 |
|                     | § |                                    |

**MEMORANDUM OPINION**

Appellant Jorge De La Vega has filed a notice of appeal from an order denying his motion to suppress evidence and his motion to establish probable cause for arrest. The record currently on file in this Court does not indicate that the trial court has entered a final order of conviction in the underlying case. By letter dated January 13, 2010, the clerk of this Court notified Appellant's appointed counsel of our intent to dismiss the appeal for want of jurisdiction, and invited Appellant to file a response within ten days to demonstrate ground for continuing the appeal. *See* TEX.R.APP.P. 42.4. Appellant has not responded to the Court's notice.

In order to perfect an appeal in a criminal case, a defendant must file a notice of appeal "within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order . . . ." *See* TEX.R.APP.P. 26.2(a)(1). An appellate court does not have jurisdiction to consider interlocutory orders, such as an order denying a motion to

suppress, unless that jurisdiction has been expressly granted by law. *See* TEX.CODE  
CRIM.PROC.ANN. art. 44.02 (Vernon 2008); *Bridle v. State*, 16 S.W.3d 906, 907 (Tex.App.--Fort  
Worth 2000, no pet.). As this appeal was not taken from a final appealable order, and the record  
does not contain such, we dismiss the appeal for want of jurisdiction.

February 10, 2010

DAVID WELLINGTON CHEW, Chief Justice

Before Chew, C.J., McClure, and Rivera, JJ.

(Do Not Publish)