

Opinion filed July 21, 2016



In The

Eleventh Court of Appeals

No. 11-16-00184-CR

PHILLIP A. ADAMS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 29th District Court
Palo Pinto County, Texas
Trial Court Cause No. 10,947**

MEMORANDUM OPINION

Phillip A. Adams has filed a pro se notice of appeal from the trial court's order denying Adams's postconviction motion for a free copy of the clerk's file and all exhibits in possession of the trial court clerk. Adams asserts that he is indigent and needs a copy of the complete clerk's file because it contains evidence that is pertinent to a forthcoming Article 11.07 application for writ of habeas corpus. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015). We dismiss the appeal.

The clerk of this court wrote Adams on July 6, 2016, and informed him that it did not appear that the order from which he appealed was a final, appealable order. We requested that he respond in writing and show grounds to continue the appeal. Adams has filed a response, but he has not shown grounds to continue. In his response, Adams reiterates that he needs the clerk's file, as well as the prosecutor's file, so that he can prepare an Article 11.07 application. An intermediate court of appeals is not vested with jurisdiction to consider an appeal from an order denying a request for a free copy of the trial record when such request is not presented in conjunction with a timely filed appeal. *Self v. State*, 122 S.W.3d 294 (Tex. App.—Eastland 2003, no pet.). No statute vests this court with such jurisdiction. *Yovanovitch v. State*, No. 02-16-00039-CR, 2016 WL 1163749, at *1 (Tex. App.—Fort Worth Mar. 24, 2016, no pet.) (mem. op., not designated for publication). Adams's request in this case was not presented in conjunction with a timely filed appeal from his conviction. Consequently, we have no jurisdiction to entertain this appeal.

The appeal is dismissed for want of jurisdiction.

PER CURIAM

July 21, 2016

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.