

DISMISS and Opinion Filed October 11, 2023



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-23-00769-CR

**EBBY WADE, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 397th Judicial District Court
Grayson County, Texas
Trial Court Cause No. 073026**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Garcia, and Justice Kennedy
Opinion by Chief Justice Burns

Appellant filed a notice of appeal stating he was appealing the Regional Presiding Judge's pretrial denial of appellant's motion to recuse the trial judge. The clerk's record shows final judgment of conviction has not been signed; therefore, this appeal is interlocutory.

Courts of appeals do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014).

The pretrial denial of a motion to recuse the trial judge is not an appealable interlocutory order. *See Silver v. State*, 04-22-00190-CR, 2022 WL 1478571, at *1 (Tex. App.—San Antonio May 11, 2022, no pet.) (per curiam) (mem op.) (not designated for publication). Accordingly, we lack jurisdiction over this appeal. *See id.* We dismiss this appeal for want of jurisdiction.

Do Not Publish
TEX. R. APP. P. 47.2(b)

230769F.U05

/Robert D. Burns, III/

ROBERT D. BURNS, III
CHIEF JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

EBBY WADE, Appellant

No. 05-23-00769-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 397th Judicial
District Court, Grayson County,
Texas

Trial Court Cause No. 073026.

Opinion delivered by Chief Justice
Burns. Justices Garcia and Kennedy
participating.

Based on the Court's opinion of this date, this appeal is **DISMISSED** for want of jurisdiction.

Judgment entered October 11, 2023