



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00448-CR

Ex parte John E. **RODARTE**, Sr.

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2003CR06651
Honorable Mary D. Roman, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: July 31, 2019

DISMISSED FOR LACK OF JURISDICTION

Appellant John E. Rodarte, Sr. (“Rodarte”) was convicted of aggravated assault of a child and indecency by contact and was sentenced to life imprisonment and twenty years’ imprisonment, respectively. *Rodarte v. State*, No. 04-04-00673-CR, 2006 WL 622516 (Tex. App.—San Antonio 2006, pet. ref’d) (mem. op.). His conviction is final.

Rodarte has filed a notice of appeal from the trial court’s May 10, 2019 order, which recommends that Rodarte’s tenth pro se application for post-conviction writ of habeas corpus be dismissed because his claims are waived and abandoned by his abuse of the writ. As we have held in a prior appeal filed by Rodarte, this court lacks jurisdiction to consider an appeal from a trial court’s ruling regarding a post-conviction felony habeas corpus proceeding. *See Ex parte Rodarte*, No. 04-13-00254-CR, 2013 WL 1908678, at *1 (Tex. App.—San Antonio May 8, 2013) (mem.

op.); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 § 5. On July 12, 2019, we ordered Rodarte to show cause within ten (10) days why this appeal should not be dismissed for lack of jurisdiction. Rodarte did not file a satisfactory response.

Accordingly, we dismiss this appeal for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH