



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-19-00665-CR

John Stewart **MUELLER**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 198th Judicial District Court, Banderita County, Texas  
Trial Court No. 19-009  
Honorable M. Rex Emerson, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: November 27, 2019

DISMISSED FOR LACK OF JURISDICTION

Appellant filed a pro se notice of appeal on September 30, 2019, to appeal the trial court's denial of his motion to suppress evidence. Thereafter, the trial court clerk filed the clerk's record. The clerk's record does not contain a final judgment of conviction. "With certain exceptions . . ., this court has jurisdiction to consider an appeal filed by a criminal defendant only after a final judgment of conviction." *Zamarripa v. State*, No. 04-16-00274-CR, 2016 WL 3085932, at \*1 (Tex. App.—San Antonio June 1, 2016, no pet.) (mem. op., not designated for publication) (citing TEX. CODE CRIM. PROC. art. 44.02); accord *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—

Fort Worth 1996, no pet.) (“Generally, we only have jurisdiction to consider an appeal by a criminal defendant where there has been a judgment of conviction.”). On October 22, 2019, this court ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond to the order. Because there is no final judgment of conviction and because appellant has not specified an exception to the general rule that we may consider an appeal filed by a criminal defendant only after a final judgment of conviction, we dismiss this appeal for lack of jurisdiction. *See Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961) (dismissing appeal where the judgment in the record was not a judgment of conviction); *McKown*, 915 S.W.2d at 161 (dismissing interlocutory appeal from an order denying a defendant’s motion to suppress evidence for lack of jurisdiction).

PER CURIAM

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