

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00041-CR

JOHN MATTHEWS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 1A District Court
Jasper County, Texas
Trial Cause No. 30395

MEMORANDUM OPINION

John Matthews is charged with capital murder in Cause No. 30395. Matthews filed a motion to set bond. After conducting an evidentiary hearing, the trial court signed an order denying the motion on grounds that proof of guilt is evident. *See* TEX. CONST. Art. I, § 11. Matthews filed notice of appeal from the order denying bail. We questioned our jurisdiction and requested responses from the parties. In his response, Matthews argues that as a matter of judicial economy an order on a motion to set a bond should be treated as a final decision for purposes of appeal. This is, however, a matter of jurisdiction. The trial court's writ of habeas corpus jurisdiction must be invoked by following the proper procedure found in Chapter 11 of the Texas Code of Criminal

Procedure. *Jordan v. State*, 54 S.W.3d 783, 786 (Tex. Crim. App. 2001). We lack appellate jurisdiction over a direct appeal from an interlocutory pretrial order involving bail. *Keaton v. State*, 294 S.W.3d 870, 873 (Tex. App.--Beaumont 2009, no pet.). Accordingly, we dismiss the appeal.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered March 31, 2010
Do Not Publish
Before Gaultney, Kreger, and Horton, JJ.