



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-17-00153-CR**

THEODIS DODSON

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY  
TRIAL COURT NO. 1072134D

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**MEMORANDUM OPINION<sup>1</sup>**  
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Theodis Dodson filed a notice of appeal from the trial court's "Order Denying Request for Appointment of Counsel to Assist in Filing a Motion for Forensic DNA Testing," signed November 29, 2016. We informed appellant by letter that the denial of a request for the appointment of counsel to assist in filing a motion for postconviction DNA testing is an interlocutory order that is not

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<sup>1</sup>See Tex. R. App. P. 47.4.

immediately appealable. See *Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010). Although we gave appellant seventy days to file a response showing grounds for continuing the appeal, he did not do so. Because it appears that there is no final judgment or order subject to appeal, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 26.2(a)(1); *Gutierrez*, 307 S.W.3d at 323.

/s/ Terrie Livingston

TERRIE LIVINGSTON  
CHIEF JUSTICE

PANEL: LIVINGSTON, C.J.; WALKER and MEIER, JJ.

DO NOT PUBLISH  
Tex. R. App. P. 47.2(b)

DELIVERED: August 24, 2017