



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

---

No. 07-21-00065-CR

---

**VICTOR MORENO, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

---

On Appeal from the 242nd District Court  
Swisher County, Texas  
Trial Court No. A-4582-16-02; Honorable Gregg Hukill, Presiding

---

---

April 27, 2021

**MEMORANDUM OPINION**

Before QUINN, C.J., and PIRTLE and DOSS, JJ.

Appellant, Victor Moreno, appearing pro se, appeals from the trial court's *Order on Defendant's Motion to Reinstate Appeal*. We dismiss the purported appeal for want of jurisdiction.

In 2016, Appellant was convicted of aggravated assault with a deadly weapon<sup>1</sup> and sentenced to thirty years imprisonment. He did not immediately appeal his

---

<sup>1</sup> TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2019).

conviction, but instead filed notices of appeal in April 2018 and April 2020. We dismissed both untimely appeals for want of jurisdiction.<sup>2</sup> In August 2020, Appellant filed an appeal from a post-conviction order denying his motion for appointed counsel. We also dismissed the appeal for want of jurisdiction.<sup>3</sup>

In February 2021, Appellant filed *Defendant's Motion to Reinstate Appeal* in the trial court, requesting an appeal from his conviction.<sup>4</sup> The trial court denied his motion and this purported appeal followed. We have jurisdiction to consider an appeal from a judgment of conviction or where appellate jurisdiction has been expressly granted by law. See *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008). The trial court's order denying Appellant's request for an appeal is not a judgment of conviction and we have found no authority granting this court jurisdiction to review such an order.

Accordingly, we dismiss this purported appeal for want of jurisdiction.

Per Curiam

Do not publish.

---

<sup>2</sup> *Moreno v. State*, Nos. 07-18-00123-CR, 07-18-00124-CR, 2018 Tex. App. LEXIS 2948, at \*2 (Tex. App.—Amarillo Apr. 25, 2018, no pet.) (per curiam) (mem. op., not designated for publication) (dismissing Appellant's untimely appeals from his aggravated assault and burglary convictions); *Moreno v. State*, No. 07-20-00136-CR, 2020 Tex. App. LEXIS 5118, at \*1 (Tex. App.—Amarillo July 10, 2020, no pet.) (per curiam) (mem. op., not designated for publication) (dismissing Appellant's untimely appeal from his aggravated assault conviction).

<sup>3</sup> *Moreno v. State*, No. 07-20-00239-CR, 2018 Tex. App. LEXIS 2948 (Tex. App.—Amarillo Sept. 15, 2020) (per curiam) (mem. op., not designated for publication).

<sup>4</sup> In *Defendant's Motion to Reinstate Appeal*, Appellant asserts that the Court of Criminal Appeals denied his habeas application for an out-of-time appeal in December 2020 because mandate had not issued in his prior appeals to this court. We note that our mandate issued in appellate cause numbers 07-18-00123-CR and 07-18-00124-CR on July 12, 2018; in appellate cause number 07-20-00136-CR on October 1, 2020; and in appellate cause number 07-20-00239-CR on December 9, 2020.