



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-19-00213-CR

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DOSHEE SWAN TOWERY, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 102nd District Court  
Bowie County, Texas  
Trial Court No. 07F0058-102

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Before Morriss, C.J., Burgess and Stevens, JJ.  
Memorandum Opinion by Justice Stevens

## MEMORANDUM OPINION

Doshee Swan Towery was convicted of murder in 2007. On September 18, 2019, Towery filed a motion to vacate or set aside the 2007 judgment of conviction. On September 27, 2019, the trial court dismissed the motion to vacate for want of jurisdiction. At issue in this appeal is the trial court's September 27 dismissal of the motion to vacate.

In Texas, a party may only appeal when the Texas Legislature has authorized an appeal. *Galitz v. State*, 617 S.W.2d 949, 951 (Tex. Crim. App. 1981). When the Legislature passes legislation granting a right of appeal, in addition to granting its citizens that substantive right, it also grants the appellate courts of this State jurisdiction to hear such appeals. In the absence of such authorizing legislation, appellate courts are without jurisdiction and have no authority to act. In the criminal context, the Texas Legislature has authorized appeals from written judgments of conviction and a few orders deemed appealable. *See Gutierrez v. State*, 307 S.W.3d 318, 321 (Tex. Crim. App. 2010). The trial court's order dismissing Towery's motion for want of jurisdiction does not appear to be an order from which the Texas Legislature has authorized an appeal. In the absence of such an authorization, we are without jurisdiction to hear the appeal.

By letter dated November 27, 2019, we informed Towery of this jurisdictional issue. Although Towery filed a response to our jurisdictional defect letter, that response failed to demonstrate how this Court has jurisdiction over Towery's attempted appeal.

Because the trial court's September 27 dismissal of the motion to vacate does not constitute an appealable order, we lack jurisdiction over this appeal. Consequently, we dismiss the appeal for want of jurisdiction.

Scott E. Stevens  
Justice

Date Submitted: December 20, 2019  
Date Decided: December 23, 2019

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