



IN THE
TENTH COURT OF APPEALS

No. 10-11-00082-CR

ANTHONY JOHNSON,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 54th District Court
McLennan County, Texas
Trial Court No. 2005-573-C2

MEMORANDUM OPINION

Appellant Anthony Johnson filed a pro se notice of appeal stating that he is appealing the trial court's February 24, 2011 order denying his request for time served. In a letter dated April 5, 2011, the Clerk of this Court warned Appellant that because the trial court noted on the certification of defendant's right of appeal that he had waived his right to appeal, the Court would dismiss the appeal unless, within 21 days, we received a certification stating that Appellant has a right to appeal or a response was filed showing grounds for continuing the appeal. See TEX. R. APP. P. 25.2(d); *Chavez v.*

State, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006); *Davis v. State*, 205 S.W.3d 606, 607 (Tex. App.—Waco 2006, no pet.).

Furthermore, the Clerk warned Appellant that this cause was subject to dismissal for want of jurisdiction because it appeared that this Court does not have jurisdiction of his appeal of the denial of his request for time served. *See Abbott v. State*, 271 S.W.3d 694 (Tex. Crim. App. 2008) (standard for determining jurisdiction is not whether appeal is precluded by law, but whether appeal is authorized by law); *Everett v. State*, 91 S.W.3d 386, 386 (Tex. App.—Waco 2002, no pet.) (stating that this court has jurisdiction over criminal appeals only when expressly granted by law). We warned Johnson that we would dismiss his appeal unless, within 21 days, he showed grounds for continuing it.

Appellant has not responded to the Clerk's warnings, and we have not received a certification stating that he has a right to appeal. This appeal is dismissed.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Dismissed

Opinion delivered and filed May 11, 2011

Do not publish

[CR25]