



IN THE
TENTH COURT OF APPEALS

No. 10-23-00403-CR

TYRONE SHEPARD,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 272nd District Court
Brazos County, Texas
Trial Court No. 23-03774-CRF-272**

MEMORANDUM OPINION

Appellant Tyrone Shepard appeals from the trial court's ruling on a "Notice of Jurisdiction" in his underlying criminal case. The State has filed a motion to dismiss this appeal for want of jurisdiction, arguing that there is no appealable order.

"Interlocutory appeals are generally not permitted in Texas criminal proceedings." *Leija v. State*, 456 S.W.3d 157, 158 (Tex. Crim. App. 2015) (order) (per curiam) (quoting *Ex parte Smith*, 178 S.W.3d 797, 801 n.13 (Tex. Crim. App. 2005) (per curiam)). Intermediate appellate courts have no jurisdiction to review interlocutory orders absent express

authority. *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991). We have found no grant of authority to review by interlocutory appeal the trial court’s ruling on a notice or plea to the jurisdiction in a criminal case. See *Taylor v. State*, Nos. 05-18-00691-CR, 05-18-00692-CR, 05-18-00693-CR, 05-18-00694-CR, 05-18-00695-CR, 2018 WL 3215905, at *1 (Tex. App. – Dallas July 2, 2018, pet. denied) (mem. op., not designated for publication); *Stevens v. State*, Nos. 03-15-00675-CR, 03-15-00676-CR, 2016 WL 286328, at *1 (Tex. App. – Austin Jan. 22, 2016, no pet.) (mem. op., not designated for publication).

Accordingly, we grant the State’s Motion to Dismiss Appeal for Want of Jurisdiction, filed on December 13, 2023, and dismiss this appeal for want of jurisdiction.

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Smith

Dismissed

Opinion delivered and filed January 4, 2024

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