



NUMBER 13-09-00545-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

ERIC PAUL JARAMILLO,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the County Court at Law No. 3
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam**

Appellant, Eric Paul Jaramillo, attempted to appeal an order issued by the trial court denying his pre-trial motion to suppress breath test results, field sobriety test and videotape. On October 27, 2009, the Clerk of this Court notified appellant that it appeared that the order from which the appeal was taken was not an appealable order, and

requested correction of this defect within ten days or the appeal would be dismissed. Appellant has failed to respond to the Court's directive.

The clerk's record in this case does not contain a written order denying the appellant's motion to suppress breath test results, field sobriety test and videotape. Had an order been in existence, such order would not constitute a final judgment, nor an interlocutory order made appealable by statute. A defendant's appeal from the denial of a motion to suppress is not an exception to the general rule that interlocutory orders are not appealable. See TEX. CODE CRIM. PROC. ANN. art 44.02 (Vernon 1979).

The Court, having examined and fully considered the documents on file, is of the opinion that the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a), (c).

PER CURIAM

Do not publish. TEX. R. APP. P. 47.2(b).

Delivered and filed the 21st
day of December, 2009.