



**NUMBER 13-18-00212-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**EFRAIN LOPEZ GARZA,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the County Court at Law No. 5  
of Hidalgo County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Contreras, Longoria, and Hinojosa  
Memorandum Opinion by Justice Contreras**

Appellant Efrain Lopez Garza, proceeding pro se, filed a “motion to vacate sentence and to resentence after allocution” on April 16, 2018. Appellant sought to appeal a ruling issued on October 19, 2017 which dismissed trial court cause number CR-17-11635-E “in the interest of justice.”

On May 3, 2018, the Clerk of this Court notified appellant that it appeared that the order from which the appeal was taken was not a final, appealable order and requested correction of this defect within ten days. The Clerk advised appellant that the appeal would be dismissed if the defect was not corrected. Appellant has failed to respond to the Court's directive.

Generally, a state appellate court only has jurisdiction to consider an appeal by a criminal defendant where there has been a final judgment of conviction. *Workman v. State*, 170 Tex. Crim. 621, 343 S.W.2d 446, 447 (1961); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). Exceptions to the general rule include: (1) certain appeals while on deferred adjudication community supervision, *Kirk v. State*, 942 S.W.2d 624, 625 (Tex. Crim. App. 1997); (2) appeals from the denial of a motion to reduce bond, TEX. R. APP. P. 31.1; *McKown*, 915 S.W.2d at 161; and (3) certain appeals from the denial of habeas corpus relief, *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.); *McKown*, 915 S.W.2d at 161.

The Court, having examined and fully considered the notice of appeal and the matters before the Court, is of the opinion that there is not an appealable order and this Court lacks jurisdiction over the matters herein. Because there is no appealable order, we DISMISS the appeal for want of jurisdiction. All pending motions, if any, are likewise DISMISSED.

DORI CONTRERAS  
Justice

Do not publish.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

Delivered and filed the  
21st day of June, 2018.