

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

JAVIER FLORES, JR.,	§	No. 08-09-00264-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	41st District Court
	§	
THE STATE OF TEXAS,	§	of El Paso County, Texas
	§	
Appellee.	§	(TC # 20090D03590)
	§	

**MEMORANDUM OPINION**

Javier Flores, Jr., *pro se*, erroneously filed notice of appeal in cause number 20090D03111 in the 41st District Court of El Paso County, Texas. Appellant maintains that he filed a writ of habeas corpus in that cause number but the trial court denied him access to the court. Our review of the records reflects that Appellant filed the notice of appeal in the wrong cause number and the only case pending against Appellant is cause number 20090D03590 in the 41st District Court. No final judgment or appealable order has been entered in that cause number. Consequently, we lack jurisdiction of the appeal. *See* TEX.CODE CRIM.PROC.ANN. art. 44.02 (Vernon 2006)(“[a] defendant in any criminal action has the right of appeal under the rules hereinafter prescribed”); TEX.R.APP.P. 25.2(a)(2)(a defendant “has the right of appeal under Code of Criminal Procedure article 44.02 and these rules” in every case in which the trial court “enters a judgment of guilt or other appealable order”). We therefore dismiss the appeal.

January 6, 2010

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ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Rivera, JJ.

(Do Not Publish)