

Opinion filed September 20, 2018



In The  
**Eleventh Court of Appeals**

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No. 11-18-00222-CR

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**ISRAEL SAENZ VASQUEZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 244th District Court  
Ector County, Texas  
Trial Court Cause No. C-40,636**

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**MEMORANDUM OPINION**

Appellant, Israel Saenz Vasquez, filed a pro se notice of appeal from an order denying his motion for the appointment of habeas corpus counsel. We dismiss the appeal.

This court notified Appellant that it did not appear that the trial court's order was a final, appealable order. We requested that Appellant respond and show grounds to continue the appeal. Appellant has filed a response in which he addresses the merits of his request for counsel and suggests that he is entitled to counsel so that

he can raise a claim of ineffective assistance of trial counsel. *See generally Ex parte Garcia*, 486 S.W.3d 565, 565–67 (Tex. Crim. App. 2016) (Keller, P.J., concurring); *id.* at 567–78 (Alcala, J., dissenting). Appellant also points out that the trial court had authority to appoint habeas corpus counsel pursuant to the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 1.051(d)(3) (West Supp. 2017). Appellant, however, has not shown grounds upon which this appeal may continue.

An appellate court has jurisdiction to consider an appeal by a criminal defendant from a final judgment of conviction or as otherwise authorized by law. *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008). “There is no express grant of a right to appeal from a trial court’s order denying a motion for appointment of counsel to file an application for writ of habeas corpus; such an order is not an order from which the Texas Legislature has authorized an appeal.” *Smith v. State*, No. 03-17-00238-CR, 2017 WL 2536866, at \*1 (Tex. App.—Austin June 8, 2017, no pet.) (mem. op., not designated for publication); *accord Braley v. State*, No. 06-15-00181-CR, 2015 WL 8476674, at \*1 (Tex. App.—Texarkana Dec. 10, 2015, no pet.) (mem. op., not designated for publication).

Accordingly, we deny Appellant’s motion to proceed on direct appeal, and we dismiss this appeal for want of jurisdiction.

September 20, 2018

PER CURIAM

Do not publish.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

Panel consists of: Bailey, C.J.,  
Willson, J., and Wright, S.C.J.<sup>1</sup>

Willson, J., not participating.

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<sup>1</sup>Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.