

Opinion filed November 21, 2019



In The
Eleventh Court of Appeals

No. 11-19-00313-CR

ROBERT EDWARD ATWOOD, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 220th District Court
Comanche County, Texas
Trial Court Cause No. 92-12-01599-CCCR**

MEMORANDUM OPINION

Appellant, Robert Edward Atwood, filed a pro se notice of appeal from an order in which the trial court denied Appellant's motion for the appointment of counsel. Appellant asserted in that motion that his 1993 guilty plea was not made knowingly, intelligently, or voluntarily, and he requested that the trial court appoint counsel for the purpose of filing an application for writ of habeas corpus. 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 not filed a response.

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 dismiss this appeal for want of jurisdiction.

PER CURIAM

November 21, 2019

Do not publish.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

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

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