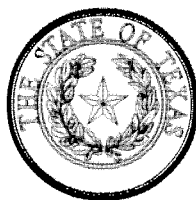


Dismissed and Opinion Filed February 20, 2013



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-13-00203-CR

JANINE JOYCE CHARBONEAU, Appellant
v.
THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause No. 006-80751-2012

MEMORANDUM OPINION

Before Justices Lang-Miers, Murphy, and Fillmore
Opinion by Justice Fillmore

Janine Joyce Charboneau is charged with the misdemeanor offense of cruelty to animals. On January 9, 2013, the trial court denied appellant's "motion to reopen and reconsideration of defendant's the [sic] motion to suppress and motion to quash the complaint and motion to dismiss." On January 28, 2013, appellant, who is representing herself, filed a "notice of interlocutory appeal and notice of writ of mandamus." We conclude we lack jurisdiction over the appeal.

The right to appeal in a criminal case is a statutorily created right. *See McKinney v. State*, 207 S.W.3d 366, 374 (Tex. Crim. App. 2006); *Griffin v. State*, 145 S.W.3d 645, 646 (Tex. Crim. App. 2004). *See also* TEX. CODE CRIM. P. 44.02 (West 2006) (providing right of appeal for defendant); TEX. R. APP. P. 25.2(a)(2) (rules for appeal by defendant). As a general rule,

appellate courts may consider appeals by criminal defendants only after conviction. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.). Intermediate appellate courts have no jurisdiction to review interlocutory orders absent express authority. *Ex parte Apolinar*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *Wright*, 969 S.W.2d at 598.

Orders denying pretrial motions to suppress, quash a complaint, and dismiss are not appealable interlocutory orders. *See Wright*, 969 S.W.2d at 598 (identifying types of appealable interlocutory orders). Therefore, we have no jurisdiction over this appeal.¹

We dismiss the appeal for want of jurisdiction.

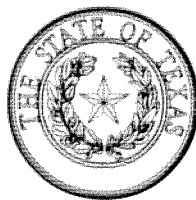


ROBERT M. FILLMORE
JUSTICE

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TEX. R. APP. P. 47

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¹ We decline to treat the document as a petition for writ of mandamus because it does not comply with Texas Rule of Appellate Procedure 52. *See* TEX. R. APP. P. 52.



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JANINE JOYCE CHARBONEAU,
Appellant

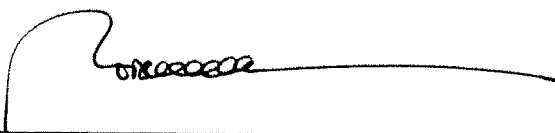
No. 05-13-00203-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law
No. 6, Collin County, Texas
Trial Court Cause No. 006-80751-2012.
Opinion delivered by Justice Fillmore,
Justices Lang-Miers and Murphy
participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 20th day of February, 2013.



ROBERT M. FILLMORE
JUSTICE