

Dismissed and Opinion Filed October 22, 2015.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-01227-CR

DONALD RAY GIPSON, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court No. 6
Dallas County, Texas
Trial Court Cause No. F15-55009-X

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Fillmore and Stoddart
Opinion by Justice Stoddart

Donald Ray Gipson filed a notice of appeal from the trial court's August 21, 2015 hearing on appellant's "admonish and dismissal of counsel." We have received written confirmation from the Dallas County District Clerk's Office that there is no judgment in this case. We conclude we have no jurisdiction over the appeal.

"Jurisdiction concerns the power of a court to hear and determine a case." *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The jurisdiction of an appellate court must be legally invoked, and, if not, the power of the court to act is as absent as if it did not exist. *See id.* at 523. "The standard to determine whether an appellate court has jurisdiction to hear and determine a case 'is not whether the appeal is precluded by law, but whether the appeal is authorized by law.'" *Blanton v. State*, 369 S.W.3d 894, 902 (Tex. Crim. App. 2012) (quoting

Abbott v. State, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008)). 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. ANN. art. 44.02 (West 2006) (providing right of appeal for defendant); TEX. R. APP. P. 25.2(a)(2) (rules for appeal by defendant). Appellate courts may consider appeals by criminal defendants only after conviction or the entry of an appealable order. See *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

Appellant is not appealing his conviction, and an interlocutory order related to the appointment of new counsel is not an appealable order. See *id.* Accordingly, we have no jurisdiction over the appeal.

We dismiss the appeal for want of jurisdiction.

/Craig Stoddart/
CRAIG STODDART
JUSTICE

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TEX. R. APP. P. 47
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DONALD RAY GIPSON, Appellant

No. 05-15-01227-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 6, Dallas County, Texas

Trial Court Cause No. F15-55009-X.

Opinion delivered by Justice Stoddart, Chief
Justice Wright and Justice Fillmore
participating.

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

Judgment entered this 22nd day of October, 2015.