

Dismissed; Opinion Filed August 18, 2017.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00935-CR

STEVEN ANDREW LAW, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 20174

MEMORANDUM OPINION

Before Justices Lang, Myers, and Stoddart
Opinion by Justice Lang

Steve Andrew Law appeals the trial court's July 7, 2017 order denying his motion for early termination of his obligation to register as a sex offender under article 62.404 of the code of criminal procedure. For the reasons that follow, we dismiss this appeal.

In a criminal case, the right to appeal is a substantive right determined solely within the province of the Texas Legislature. *Bayless v. State*, 91 S.W.3d 801, 805 (Tex. Crim. App. 2002) (defendant's right to appeal is "a statutorily created right"); *Ex parte McGregor*, 145 S.W.3d 824, 825 (Tex. App.—Dallas 2004, no pet.). The code of criminal procedure provides that "[a] defendant in any criminal action has the right to appeal under the rules hereinafter prescribed." TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2016). As a general rule, a criminal defendant's right to appeal is limited to appeals from final judgments. *See State v. Sellers*, 790 S.W.2d 316,

321 n.4 (Tex. Crim. App. 1990); *McGregor*, 145 S.W.3d at 825. Appellate courts do not have jurisdiction over criminal appeals where jurisdiction has not been expressly granted to them. *See Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *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.”).

Under article 62.404, a person required to register as a sex offender may, under certain circumstances, file a motion with the trial court which sentenced him seeking early termination of his obligation to register as a sex offender. *See* TEX. CODE CRIM. PROC. ANN. art. 62.404 (West 2016). When such a motion is filed, the trial court may, after reviewing the motion, (1) deny it without a hearing or (2) hold a hearing to determine whether to grant or deny the motion. TEX. CODE CRIM. PROC. ANN. art. 62.405(a). Nothing in this subchapter provides a right to appeal the trial court’s ruling. *See* TEX. CODE CRIM. PROC. ANN. arts. 62.401–.408.

In appellant’s case, the trial court denied the motion but did not hold a hearing. Although appellant now seeks to challenge the trial court’s ruling, nothing in the code of criminal procedure provides him the right to appeal. *See id.* The failure of the legislature to include a right to appeal indicates the legislature did not intend to permit an appeal from a ruling under this statute. *Dewalt v. State*, 417 S.W.3d 678, 685 (Tex. App.—Austin 2013, pet ref’d); *see McGregor*, 145 S.W.3d at 825–26. Because the code of criminal procedure does not provide appellant a right to appeal the trial court’s ruling, we conclude we do not have jurisdiction to address appellant’s complaint on appeal.

We dismiss the appeal for want of jurisdiction.

Do Not Publish
TEX. R. APP. P. 47.2(b)
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/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE



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

JUDGMENT

STEVEN ANDREW LAW, Appellant

No. 05-17-00935-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial District
Court, Kaufman County, Texas

Trial Court Cause No. 20174.

Opinion delivered by Justice Lang, Justices
Myers and Stoddart participating.

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

Judgment entered this 18th day of August, 2017.