

Dismissed; Opinion Filed October 10, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01222-CR

KEMONE DUANE RODGERS, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the County Criminal Court No. 8
Dallas County, Texas
Trial Court Cause No. MA16-18372-J

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Whitehill, and Justice Schenck
Opinion by Justice Schenck

On October 2, 2019, Kemone Duane Rodgers filed his pro se notice of appeal seeking to appeal the trial court's "oral denial of the "DEFENDANT'S AMENDED MOTION TO SET ASIDE COMPLAINT." We conclude we lack jurisdiction over this appeal.

A pretrial motion, such as appellant's amended motion to set aside the information and complaint, may not be appealed until there is a final judgment. *See Ex parte Smith*, 178 S.W.3d 797, 801 (Tex. Crim. App. 2005); *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.). Therefore, any issues appellant may have with the complaint are not ripe for review. *See Smith*, 178 S.W.3d at 801; *Apolinar*, 820 S.W.2d at 794. If, however, he is convicted, appellant may challenge the information and complaint on direct appeal.

We dismiss this appeal for want of jurisdiction.

/David J. Schenck/
DAVID J. SCHENCK
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

KEMONE DUANE RODGERS, Appellant

No. 05-19-01222-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Criminal Court
No. 8, Dallas County, Texas

Trial Court Cause No. MA16-18372-J.

Opinion delivered by Justice Schenck,
Chief Justice Burns and Justice Whitehill
participating.

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

Judgment entered this 10th day of October, 2019.