

Dismissed and Opinion Filed September 30, 2020



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

No. 05-20-00843-CR

**MAHSA PARVIZ-KHYAVI, Appellant
v.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 219th Judicial District Court
Collin County, Texas
Trial Court Cause No. 219-85015-2019**

MEMORANDUM OPINION

Before Justices Schenck, Osborne, and Partida-Kipness
Opinion by Justice Schenck

On September 22, 2020, Mahsa Parviz-Khyavi filed his notice of appeal of the September 10, 2020 order denying his motion to recuse Judge Edgeworth. We dismiss this appeal.

A defendant's right to appeal in a criminal case is a statutorily created right. TEX. CODE CRIM. PROC. ANN. art. 44.02; *Bayless v. State*, 91 S.W.3d 801, 805 (Tex. Crim. App. 2002). Courts of appeals lack jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014); *Abbott v. State*, 271 S.W.3d 694, 696-97

(Tex. Crim. App. 2008); *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

The procedures for recusal of judges are set out in the rules of civil procedure and apply to criminal cases. TEX. R. CIV. P. 18a; *De Leon v. Aguilar*, 127 S.W.3d 1, 5 (Tex. Crim. App. 2004) (orig. proceeding); *Arnold v. State*, 853 S.W.2d 543, 544 (Tex. Crim. App. 1993). An order denying a motion to recuse is reviewable only on appeal from a final judgment. TEX. R. CIV. P. 18a(j)(1)(A). Absent a timely appeal of a final conviction, an appellate court lacks jurisdiction over a trial court's stand-alone order denying a motion to recuse. *Green v. State*, 374 S.W.3d 434, 445 (Tex. Crim. App. 2012).

Here, appellant filed a motion to recuse Judge Edgeworth, and the assigned judge denied it. However, appellant has not been convicted of any crime. Because there is no final conviction, we lack jurisdiction over this appeal.

We dismiss this appeal.

/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

MAHSA PARVIZ-KHYAVI,
Appellant

No. 05-20-00843-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 219-85015-
2019.

Opinion delivered by Justice
Schenck. Justices Osborne and
Partida-Kipness participating.

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

Judgment entered this 30th day of September, 2020.