

Dismissed and Opinion Filed October 9, 2020



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-20-00870-CR

No. 05-20-00871-CR

No. 05-20-00872-CR

No. 05-20-00873-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 Nos. 219-83499-2017, 2019-81286-2018,
219-81679-2018 & 2019-82552-2019

MEMORANDUM OPINION

Before Justices Molberg, Carlyle, and Browning
Opinion by Justice Molberg

On September 22, 2020, Mahsa Parviz-Khyavi filed notices of appeal in each of the above cases. Each notice states he is appealing “an order from 09/02/2020, later erroneously issued on 09/10/2020,” denying his motion to recuse Judge Edgeworth. We dismiss these appeals.

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).

Appellant filed motions to recuse Judge Edgeworth in each of the above cases, which the assigned judge denied. However, appellant has not been convicted of any crime. Because there are no final convictions, we lack jurisdiction over these appeals.

We dismiss these appeals.

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TEX. R. APP. P. 47.2(b)

KEN MOLBERG
JUSTICE



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

JUDGMENT

MAHSA PARVIZ-KHYAVI,
Appellant

No. 05-20-00870-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 219-83499-
2017.

Opinion delivered by Justice
Molberg. Justices Carlyle and
Browning participating.

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

Judgment entered this 9th day of October, 2020.



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

JUDGMENT

MAHSA PARVIZ-KHYAVI,
Appellant

No. 05-20-00871-CR V.

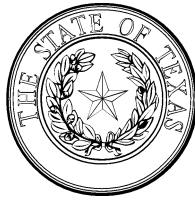
THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 219-81286-
2018.

Opinion delivered by Justice
Molberg. Justices Carlyle and
Browning participating.

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

Judgment entered this 9th day of October, 2020.



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

JUDGMENT

MAHSA PARVIZ-KHYAVI,
Appellant

No. 05-20-00872-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 219-81679-
2018.

Opinion delivered by Justice
Molberg. Justices Carlyle and
Browning participating.

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

Judgment entered this 9th day of October, 2020.



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

JUDGMENT

MAHSA PARVIZ-KHYAVI,
Appellant

No. 05-20-00873-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 219-82552-
2019.

Opinion delivered by Justice
Molberg. Justices Carlyle and
Browning participating.

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

Judgment entered this 9th day of October, 2020.