

Opinion issued October 20, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00374-CR

ROBERT WALKER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 208th District Court
Harris County, Texas
Trial Court Cause No. 919754**

MEMORANDUM OPINION

Appellant, Robert Walker, has filed a motion for DNA testing and request for appointed counsel which purports to be a “notice of appeal.”

We dismiss.

Pursuant to Texas Code of Criminal Procedure Chapter 64, a motion for DNA testing and request for appointment of counsel must be filed in the convicting court. *See* TEX. CODE CRIM. PROC. ANN. art. 64.01 (a), (c) (West Supp. 2010). Because there is not a final appealable order before this Court, we lack jurisdiction and must dismiss.

Accordingly, we dismiss the appeal for lack of jurisdiction. TEX. R. APP. P. 43.2(f). We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

Do not publish. TEX. R. APP. P. 47.2(b).