

Dismissed and Memorandum Opinion filed May 4, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00021-CR

WIDENER MICHAEL WEEMS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Cause No. 44301**

M E M O R A N D U M O P I N I O N

Appellant Widener Michael Weems attempts to appeal the trial court's order signed December 20, 2016, denying appellant's request for the appointment of counsel to pursue post-conviction relief under article 64.01 of the Texas Code of Criminal Procedure. *See* Tex. Code Crim. Proc. Ann. art. 64.01(c). The trial court's denial of the request is not an immediately appealable order. *See Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010) (holding that appeal from an order

denying appellant's request for appointment of counsel under article 64.01(c) is “premature” because “a motion for appointed counsel is a preliminary matter that precedes the initiation of Chapter 64 proceedings”).

Accordingly, we dismiss the appeal for lack of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Donovan and Wise.
Do Not Publish — Tex. R. App. P. 47.2(b).