

Motion Denied; Appeal Dismissed and Memorandum Opinion filed April 4, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00182-CR

MICHAEL MCCANN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Court at Law No. 1 & Probate Court
Brazoria County, Texas
Trial Court Cause No. 209154**

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

This is an attempted appeal of the trial court's order that appellant begin serving his probation.

On May 19, 2016, this court affirmed appellant's conviction for failure to identify by giving false or fictitious information to a police officer. *McCann v. State*, No. 14-15-01069-CR; 2016 WL 2970147 (Tex. App.—Houston [14th Dist.]

May 19, 2016, pet. ref'd). Appellant was sentenced by the trial court to 180 days' confinement in the Brazoria County Jail, probated for 12 months. This court denied appellant's motion for rehearing and the Court of Criminal Appeals refused his petition for discretionary review. On October 31, 2016, this court's mandate issued. Pursuant to this court's mandate, on December 21, 2016, the trial court ordered appellant to begin serving his probation. Appellant attempts to appeal that ruling.

In Texas, appeals in criminal cases are permitted only when they are specifically authorized by statute. *State ex rel. Lykos*, 330 S.W.3d 904, 915 (Tex. Crim. App. 2011); see Tex. Code Crim. Proc. art. 44.02. Generally, a criminal defendant may only appeal from a final judgment. See *State v. Sellers*, 790 S.W.2d 316, 321 n. 4 (Tex. Crim. App. 1990).

An order that a defendant begin serving his probation after issuance of this court's mandate affirming his conviction is not a separately appealable order. Appellant filed a motion to grant his appeal notwithstanding the lack of an appealable order. Appellant's motion does not cite authority that would permit this court to entertain an appeal of the trial court's order. Because this appeal does not fall within the exceptions to the general rule that appeal may be taken only from a final judgment of conviction, we have no jurisdiction.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Brown and Jewell.
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