

Motion Granted; Appeal Dismissed and Memorandum Opinion filed July 25, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00243-CR

MONZELLE LAVAN STEPTOE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 149th District Court
Brazoria County, Texas
Trial Court Cause No. 58852**

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

This attempted appeal is from the trial court's order signed March 20, 2017, 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). On July 7, 2017, the State filed a motion to dismiss the appeal contending the trial court's order denying the appointment of counsel was not an appealable order.

The trial court's denial of a request for the appointment of counsel to pursue post-conviction relief under article 64.01 of the Texas Code of Criminal Procedure is not an immediately appealable order. *See Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010) (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, the State’s motion to dismiss is granted and the appeal is ordered dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Christopher, Brown, and Wise.
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