

Dismissed and Memorandum Opinion filed August 17, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00464-CR

MARCOS LOPEZ ORTIZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 56th District Court
Galveston County, Texas
Trial Court Cause No. 00-CR-1009**

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

Appellant was convicted of aggravated robbery and aggravated assault in 2001. We affirmed his convictions in 2002. *See Ortiz v. State*, Nos. 14-01-00556-CR & 14-01-00557-CR, 2002 WL 1041054 (Tex. App.—Houston [14th Dist.] May 23, 2002, no pet.).

In January 2017, appellant filed a motion to recuse the trial judge. On May 18, 2017, the trial judge declined to recuse himself and referred the case to Judge Olen Underwood, presiding judge of the Second Administrative Region, to appoint

a judge to hear the motion. Judge Underwood denied the motion to recuse by written order signed June 2, 2017. This is an attempted appeal of Judge Underwood's denial.

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).

The Code of Criminal Procedure expressly permits an appeal from one type of post-conviction order: an order regarding forensic DNA testing of evidence. *See* Tex. Code Crim. Proc. Ann. art. 64.05. By contrast, no statute appears to permit appeal from a post-conviction denial of a motion to recuse.

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 dismissed.

PER CURIAM

Panel consists of Justices Jamison, Busby, and Donovan.

Do Not Publish — Tex. R. App. P. 47.2(b).