

Appeal Dismissed and Memorandum Opinion filed November 9, 2017.



**In The
Fourteenth Court of Appeals**

NO. 14-17-00813-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 September 2017, appellant filed a “motion for appointment of counsel on habeas corpus” and a “motion for change of venue.” On September 13, 2017, the trial court denied appellant’s request for appointment of counsel. On November 2, 2017, the trial court denied appellant’s request for change of venue. This is an attempted appeal of those orders.

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).

Courts of appeals generally have no jurisdiction over post-conviction writs of habeas corpus in felony cases or orders entered in regards to such proceedings. See Tex. Code Crim. Proc. Ann. art. 11.07; *Board of Pardons and Paroles ex. rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S. W.2d 481, 483 (Tex. Crim. App. 1995); *In re Briscoe*, 230 S.W.3d 196, 196–97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); *Self v. State*, 122 S.W.3d 294, 295 (Tex. App.—Eastland 2003, no pet.). To complain about any action, or inaction, of the convicting court, the applicant may seek relief from the Court of Criminal Appeals. See Tex. Code Crim. Proc. Ann. art. 11.07 § 5.

Further, 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 change venue.

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 Christopher, Donovan, and Jewell.

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