

Dismissed and Memorandum Opinion filed December 5, 2017.



**In The
Fourteenth Court of Appeals**

NO. 14-17-00868-CR

TOMMY EARL HUTCHINS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 232nd District Court
Harris County, Texas
Trial Court Cause No. 1337442**

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

This is an attempted appeal of the denial of a motion to recuse. On April 16, 2013, the court sentenced appellant following appellant's conviction for aggravated robbery. On August 7, 2014, this court issued an opinion in which we reformed the judgment to reflect that appellant pleaded "Not True" to the enhancement paragraphs and the jury found that both paragraphs were true.

We reformed the judgment and affirmed it as reformed. *See Hutchins v. State*, No. 14-13-00358-CR; 2014 WL 3870510 (Tex. App.—Houston [14th Dist.] Aug. 7, 2014, pet. ref'd) (mem.op.)(not designated for publication). More than four years after conviction, on September 12, 2017, appellant filed a motion to recuse the trial judge in this case. The motion was denied and appellant filed this appeal.

In Texas, appeals in criminal cases are permitted only when they are 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 courts of appeals do not have jurisdiction to review interlocutory orders in a criminal appeal absent express statutory authority. *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991). *See also Ragston v. State*, 424 S.W.3d 49 (Tex. Crim. App. 2014).

The denial of a motion to recuse filed post-conviction is not a separately appealable order. *Cf. In re Norman*, 191 S.W.3d 858, 860 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding) (denial of a motion to recuse is appealable upon final judgment). Because this appeal does not fall within an exception 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 Busby and Wise.
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