



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-17-00262-CR

Chadrick **BENJAMIN**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 396th Judicial District Court, Tarrant County, Texas  
Trial Court No. 1239333D  
Honorable George William Gallagher, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: June 21, 2017

DISMISSED FOR WANT OF JURISDICTION

This appeal was transferred to this court from the Second Court of Appeals, and this court issued its mandate in appeal number 04-12-00500-CR, trial court cause number 1239333D, on April 10, 2014.

On April 13, 2017, this court received Appellant Chadrick Benjamin's notice of appeal. He cited trial court cause number 1239333D and complained that the district court denied his motion to produce grand jury transcripts and minutes from the underlying cause.

On May 17, 2017, this court issued an order explaining that this court's plenary power in appeal number 04-12-00500-CR had expired and that this court no longer had jurisdiction in that appeal. *See* TEX. R. APP. P. 19.1 (plenary power period); *id.* 19.3 (“After its plenary power expires, the court cannot vacate or modify its judgment.”).

This court further explained that although the clerk's record had not yet been filed, this court's files contain a copy of the complained of order, and the order does not appear to be an appealable order or judgment. *See* TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2006) (authorizing a defendant in a criminal action to appeal); *Abbott v. State*, 271 S.W.3d 694, 697 (Tex. Crim. App. 2008) (reiterating that the right to appeal under article 44.02 is limited to appeal from a final judgment).

We ORDERED Appellant to show cause in writing no later than June 6, 2017, why this appeal should not be dismissed for want of jurisdiction. *See Abbott*, 271 S.W.3d at 697 n.8.

Appellant did not file a written response addressing our May 17, 2017 order. Because the clerk's record does not contain an appealable order or judgment, we have no authority to address Appellant's complaints. *See* TEX. CODE CRIM. PROC. ANN. art. 44.02; *Abbott*, 271 S.W.3d at 697, n.8 (“[C]ourts of appeals have no appellate jurisdiction in criminal matters ‘absent a specific authorization by law.’” (quoting *Abbott v. State*, 245 S.W.3d 19, 23 (Tex. App.—Waco 2007), *rev'd*, 271 S.W.3d 694 (Tex. Crim. App. 2008)) (Gray, C.J., dissenting)).

Accordingly, we dismiss this appeal for want of jurisdiction. *See Abbott*, 271 S.W.3d at 697 n.8.

PER CURIAM

DO NOT PUBLISH