

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00528-CR

CLIFFORD K. PHILLIPS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 50530**

MEMORANDUM OPINION

On December 2, 2010, we notified the parties that our jurisdiction was not apparent from the notice of appeal, and notified them that the appeal would be dismissed for want of jurisdiction unless we received a response showing grounds for continuing the appeal. We received no response.

The notice of appeal seeks to appeal the trial court's order dismissing appellant's petition for access to clemency proceedings for lack of subject matter jurisdiction. The trial court's order is not appealable. *See generally Ex parte Giles*, 502 S.W.2d 774, 779 (Tex. Crim. App. 1973) ("Article IV, Sec. 11, Vernon's Ann. St. Const., grants to the

Governor the power, ‘after conviction,’ and upon the recommendation of the Board of Pardons and Paroles to grant reprieves and commutations of punishments and pardons.”). Accordingly, we hold that the order from which appellant appeals is not appealable. The appeal is dismissed for want of jurisdiction.

APPEAL DISMISSED FOR LACK OF JURISDICTION.

STEVE McKEITHEN
Chief Justice

Opinion Delivered February 2, 2011
Do Not Publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.