

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

---

**NO. 09-21-00277-CR**

---

**ARTAVIAS CHOVAN COLE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the Criminal District Court  
Jefferson County, Texas  
Trial Cause No. 21-37860**

---

---

**MEMORANDUM OPINION**

On September 3, 2021, Artavias Chovan Cole appealed from an order dismissing Trial Cause Number 21-37860. After Cole filed his notice, which resulted in his appeal, the Court instructed the Court’s Clerk to notify Cole and the Jefferson County District Attorney that the order of dismissal did not appear to be a final judgment of conviction or an appealable order. In the letter, we requested the parties to respond to the Court’s jurisdictional inquiry and identify the statute or rule

authorizing a court of appeals to exercise jurisdiction over the order at issue based on Cole's notice to appeal.

Cole responded to the letter. But the Jefferson County District Attorney did not. Cole's letter states the letter correctly states the order "is neither a final judgment nor an appealable order." While Cole did not provide all the information that might be relevant to explaining the trial court's ruling, Cole's letter indicates the trial court dismissed this case because he was convicted in another.

In criminal cases, the courts of appeal have jurisdiction only of those appeals authorized by a statute. *See* Tex. Code Crim. Proc. Ann. art. 44.02; *Abbott v. State*, 271 S.W.3d 694, 697, n.8 (Tex. Crim. App. 2008) (A defendant's general right to appeal under Article 44.02 has always been limited to appeal from a final judgment.); *Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961) (dismissing appeal of judgment discharging appellant because it was not judgment of conviction). The order from which Cole appeals—a dismissal based on his conviction in some other case—is not an appealable order. *See Petty v. State*, 800 S.W.2d 582, 583-84 (Tex. App.—Tyler 1990, no pet.).

Because Cole's appeal from the order of dismissal at issue is not one of the appeals authorized by statute, his appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.

PER CURIAM

Submitted on October 5, 2021  
Opinion Delivered October 6, 2021  
Do Not Publish

Before Golemon, C.J., Kreger and Horton, JJ.