



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

**NO. 02-15-00333-CR
NO. 02-15-00334-CR
NO. 02-15-00335-CR
NO. 02-15-00336-CR
NO. 02-15-00337-CR**

BARON D. BOSTICE

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 396TH DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NOS. 0957231D, 1001707R, 1001711R, 1001712R, 1001713R

MEMORANDUM OPINION¹

Appellant Baron D. Bostice attempts to appeal from an order denying his motion for appointment of counsel to assist him with his habeas corpus proceeding. Generally an appeal in a criminal case may be taken only from a

¹See Tex. R. App. P. 47.4.

judgment of conviction. See *Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). The exceptions to this rule are few. See *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.) (listing exceptions); *McKown*, 915 S.W.2d at 161 (same).² The order Appellant complains of is not among those exceptions. Moreover, this court has no jurisdiction in criminal law matters pertaining to habeas corpus proceedings seeking relief from final felony convictions. See Tex. Code Crim. Proc. Ann. art. 11.07, § 3 (West 2015); *Stewart v. State*, No. 12-10-00229-CR, 2010 WL 3341473, at *1 n.1 (Tex. App.—Tyler Aug. 25, 2010, no pet.) (mem. op, not designated for publication). Therefore, we have no jurisdiction over the appeals.

On October 2, 2015, this court notified Appellant that the information received in these appeals did not include an appealable order and that the court was, therefore, concerned it lacked jurisdiction.³ See Tex. R. App. P. 37.1.⁴ This

²One of the exceptions listed in *McKown* (the denial of a motion to reduce bond), after much dispute among the intermediate appellate courts, was ultimately overruled by the court of criminal appeals. See *Ragston v. State*, 424 S.W.3d 49, 51 n.2, 52 (Tex. Crim. App. 2014).

³The court's October 2, 2015 letter incorrectly identified the order Appellant was attempting to appeal as an order denying a request for the appointment of counsel to assist in filing a motion for post-conviction DNA testing. Because the nature of the jurisdictional error is the same, that is, the attempted appeal of an interlocutory order that is not among those identified as appealable; because the jurisdictional error is not correctable; and because Appellant has not responded, we have proceeded without sending a corrected letter. See *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991) ("The courts of appeals do not have

court further notified Appellant that his appeals would be dismissed for want of jurisdiction unless he or any other party desiring to continue the appeals filed on or before October 12, 2015, a response showing grounds for continuing these appeals. See Tex. R. App. P. 44.3. This deadline has now passed, and Appellant has not responded to this court's October 2, 2015 notice. Accordingly, the appeal is dismissed for want of jurisdiction. See Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: GARDNER, WALKER, and MEIER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: November 12, 2015

jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law.”).

⁴Appellant's notice of appeal specifies he wanted to appeal an order denying his motion for the appointment of counsel but does not specify the nature of the underlying proceeding. Attached to his notice of appeal are his motion and the order he wants to appeal, both of which identify the underlying proceeding as a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure.