



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00096-CR

DAMON COLE, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 297th District Court
Tarrant County, Texas
Trial Court No. 1640484D

Before Sudderth, C.J.; Womack and Wallach, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Damon Cole attempts to appeal from the trial court's order granting the State's pretrial "Motion to Deny Bond." Via letter, we notified Cole of our concern that we lack jurisdiction to consider the trial court's order because it is not appealable. *See* Tex. R. App. P. 44.3; *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). This court also informed Cole that unless he or any party desiring to continue the appeal filed with this court a response showing grounds for continuing the appeal, the appeal may be dismissed. *See* Tex. R. App. P. 44.3. Cole did not file a response.

Generally, this court has jurisdiction to consider appeals by criminal defendants only after a judgment of conviction. *See McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.); *see also Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961). We do not have jurisdiction to hear interlocutory appeals from pretrial orders regarding the denial of bond sought by motion. *Ragston*, 424 S.W.3d at 52. *But cf. Ex parte Peyton*, No. 02-16-00029-CR, 2016 WL 2586698, at *1 n.2 (Tex. App.—Fort Worth May 5, 2016) (explaining that court of appeals does have jurisdiction over appeal from denial of pretrial habeas corpus application seeking bail reduction) (mem. op., not designated for publication), *pet. dismiss'd*, No. PD-0677-16, 2017 WL 1089960 (Tex. Crim. App. Mar. 22, 2017) (per curiam) (not designated for publication). Because Cole is attempting to appeal the trial court's pretrial order

denying him bond on the State’s motion, we dismiss this appeal for want of jurisdiction.¹ *See* Tex. R. App. P. 43.2(f); *Ragston*, 424 S.W.3d at 52.

/s/ Dana Womack

Dana Womack
Justice

Do Not Publish
Tex. R. App. P. 47.2(b)

Delivered: August 6, 2020

¹After filing his notice of appeal in the trial court, Cole filed a duplicate notice of appeal in this court. Accompanying his filing in this court, Cole filed a document titled “Appeal From Court’s Order Denying Bond.” In that document, Cole asks this court to grant his appeal and either set bond or order the trial court to set bond. Because we do not have jurisdiction over this case, we can take no action in this case other than to dismiss the appeal. *See White v. State*, 61 S.W.3d 424, 428 (Tex. Crim. App. 2001) (“If the jurisdiction of a court of appeals is not properly invoked, the power of the appellate court to act is as absent as if it did not exist.”).