



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

No. 02-21-00117-CR

KEVIN DUANE TALKINGTON, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 213th District Court
Tarrant County, Texas
Trial Court No. 1269829D

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Appellant Kevin Duane Talkington attempts to appeal from the trial court's order denying his motion for the appointment of counsel to assist him in obtaining postconviction, forensic DNA testing. *See* Tex. Code Crim. Proc. Ann. art. 64.01(c). We notified Talkington of our belief that we do not have jurisdiction over his appeal because such an order is not immediately appealable and gave him an opportunity to respond showing grounds to continue his appeal. *See* Tex. R. App. P. 44.3; *Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010); *see also* *Whitfield v. State*, 430 S.W.3d 405, 408 n.11 (Tex. Crim. App. 2014). Although we granted Talkington an extension to respond, he has failed to do so. We dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f); *Gutierrez*, 307 S.W.3d at 323.

/s/ Brian Walker

Brian Walker
Justice

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Tex. R. App. P. 47.2(b)

Delivered: November 24, 2021