



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00073-CR

ROCKY A. HILL, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 137th District Court
Lubbock County, Texas
Trial Court No. 2008-419,474, Honorable John J. "Trey" McClendon III, Presiding

April 7, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant Rocky A. Hill attempts to appeal a post-conviction order denying his motion to unseal records in his criminal case. We dismiss for want of jurisdiction.

In 2009, appellant was convicted of four counts of aggravated robbery and sentenced to four concurrent twenty-year sentences. We affirmed the judgments in *Hill v. State*, 320 S.W.3d 901 (Tex. App.—Amarillo 2010, pet. ref'd).

On March 6, 2017, appellant filed with this court an "Interlocutory Appeal of Denial of Motion to Disclose Sealed Records to Movant." Questioning whether we had

jurisdiction over the appeal, we directed appellant to address the matter. In response, appellant explained that he sought to obtain his mental health records, sealed in his criminal case in 2009, from the trial court for the purposes of preparing a petition for a writ of habeas corpus, but the trial court denied his motion. Appellant's response, however, does not demonstrate that we have jurisdiction over this appeal.

Generally, we have jurisdiction to consider an appeal by a criminal defendant only from a final judgment of conviction. See TEX. CODE CRIM. PROC. ANN. art. 44.02; *Abbott v. State*, 271 S.W.3d 694, 697 n.8 (Tex. Crim. App. 2008). We do not have jurisdiction to review interlocutory orders, or other orders, unless that jurisdiction has been expressly granted by statute. See *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014); see also TEX. R. APP. P. 25.2(a)(2) (providing that a criminal defendant has the right to appeal a judgment of guilt or other appealable order). Further, only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from a final felony conviction. See TEX. CODE CRIM. PROC. ANN. art. 11.07, §§ 3, 5 (West 2015); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). To complain about the trial court's action, or inaction, in a post-conviction felony proceeding, an appellant may seek mandamus relief from the Court of Criminal Appeals. *In re Briscoe*, 230 S.W.3d 196, 196-97 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding).

We have no jurisdiction to review an order denying appellant's post-conviction motion as the order is neither a judgment of conviction nor an order appealable by statute. See *Dunn v. State*, No. 14-13-00292-CR, 2013 Tex. App. LEXIS 6594, at *2 (Tex. App.—Houston [14th Dist.] May 30, 2013, pet ref'd) (mem. op., not designated

for publication) (dismissing appeal of denial of appellant's post-conviction motions, including a motion for discovery of trial materials, for want of jurisdiction). Therefore, we dismiss the appeal for want of jurisdiction.

Per Curiam

Do not publish.