



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

No. 07-20-00223-CR

SHAWN DUNN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 52nd District Court¹
Coryell County, Texas
Trial Court No. FR-10-20260, Honorable Trent D. Farrell, Presiding

November 10, 2020

MEMORANDUM OPINION

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

Appellant, Shawn Dunn, appearing pro se, seeks to appeal the trial court's order denying his post-conviction "Motion of Frivolous Claim." We dismiss the purported appeal for want of jurisdiction.

¹ Originally appealed to the Tenth Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. TEX. GOV'T CODE ANN. § 73.001 (West 2013).

In 2012, the Tenth Court of Appeals affirmed Appellant's conviction for aggravated robbery. *Dunn v. State*, No. 10-11-00047-CR, 2012 Tex. App. LEXIS 2262, at *2 (Tex. App.—Waco Mar. 21, 2012, pet. ref'd) (mem. op., not designated for publication). The Court of Criminal Appeals later refused Appellant's petition for discretionary review and his conviction became final. In February 2020, Appellant filed a "Motion of Frivolous Claim," asserting that his conviction and sentence were "unreasonable and without foundation." The trial court denied Appellant's request for a hearing and denied the motion. This appeal followed.

Generally, an appellate court has jurisdiction to consider an appeal by a criminal defendant only from a judgment of conviction or where appellate jurisdiction has been expressly granted by law. See *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008). We have found no authority granting this Court jurisdiction to consider an appeal from an order denying a post-conviction motion that challenges the merits of a conviction. See *Carter v. State*, No. 07-14-00296-CR, 2015 Tex. App. LEXIS 3584, at *3 (Tex. App.—Amarillo Apr. 10, 2015, no pet.) (mem. op., not designated for publication) (finding no authority to review the denial of a post-conviction motion seeking to set aside a final conviction). Rather, only the Court of Criminal Appeals has jurisdiction over matters seeking post-conviction relief from a final felony conviction. See TEX. CODE. CRIM. PROC. ANN. art. 11.07 (West 2015) (outlining the procedures for an application for writ of habeas corpus); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991).

By letter of September 18, 2020, we directed Appellant to show how we have jurisdiction over the appeal. Although Appellant filed a response, he did not demonstrate grounds for continuing the appeal.

Because the trial court's order denying Appellant's "Motion of Frivolous Claim" is not a judgment of conviction or an appealable order, we dismiss the appeal for want of jurisdiction.

Per Curiam

Do not publish.