



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

No. 07-22-00045-CR

JOHN COTHRAN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

**On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2019-417,280; Honorable Robert W. Kinkaid, Jr., Presiding**

May 10, 2022

MEMORANDUM OPINION

Before PIRTLE and PARKER and DOSS, JJ.

Appellant, John Cothran, is under indictment for stalking.¹ On February 14, 2022, he filed a notice of appeal, *pro se*, from the trial court's ruling at "the January 14th Show-Cause Hearing" and other bench orders. In response to our jurisdictional inquiry, Appellant clarified that he sought to appeal the trial court's *Order on Writ of Habeas*

¹ See TEX. PENAL CODE ANN. § 42.072.

Corpus signed on February 22, 2022. Appellant was subsequently appointed counsel. Now pending before this court is Appellant's counsel's motion to withdraw and *Anders* brief, asserting that we lack jurisdiction over the appeal.

In the *Anders* brief, counsel notifies the court that Appellant is not appealing the denial of his application for writ of habeas corpus, which was filed and denied after the filing of his notice of appeal. Instead, Appellant seeks to appeal the *Order on Show Cause Hearing* and bench orders signed on January 14, 2022, that revoked and raised his bail bond. Counsel asserts that we lack appellate jurisdiction over the January 14 orders. Therefore, he finds no non-frivolous issues for appeal.

Under *Anders* and its progeny, if appointed counsel concludes that the appeal is without merit—having no basis in fact or law—counsel must so inform the court, seek permission to withdraw, and file a brief referring to anything in the record that might arguably support the appeal. See *Anders v. California*, 386 U.S. 738, 744-45, 87 S. Ct. 1396, 18 L. Ed. 2d 493, 498 (1967); *Wilson v. State*, 40 S.W.3d 192, 196 (Tex. App.—Texarkana 2001, order). Here, Appellant's counsel does not claim that the appeal lacks merit in the *Anders* brief but rather that this court lacks appellate jurisdiction.

Considering the substance of the *Anders* brief and the relief sought, we construe it as a motion to dismiss the appeal for want of jurisdiction. Our jurisdiction in criminal cases is limited to appeals from a judgment of conviction or where jurisdiction has been expressly granted by law. See *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008). The January 14 orders revoking and raising Appellant's bond are not judgments of conviction and we have found no authority permitting an interlocutory appeal from such

pretrial bail proceedings. See *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014); *Keaton v. State*, 294 S.W.3d 870, 873 (Tex. App.— Beaumont 2009, no pet.) (concluding that “the Legislature did not provide appellate jurisdiction over a direct appeal from an interlocutory pretrial order involving bail”).

Because the January 14 orders are neither judgments of conviction nor orders from which an appeal is specifically authorized by law, we have no jurisdiction to review them. We, therefore, grant Appellant’s motion to dismiss for want of jurisdiction and moot Appellant’s counsel’s motion to withdraw.

Per Curiam

Do not publish.