



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-11-00131-CR

WILLIAM MALONE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 124th Judicial District Court
Gregg County, Texas
Trial Court No. 30309-B

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

William Malone has filed a notice of appeal in which he states that he is appealing from the trial court's denial, on December 27, 2010, of his motion for review and/or motion for reconsideration of his conviction. The notice of appeal was filed February 2, 2011. His underlying conviction was seven years earlier, on February 27, 2004.

The right to appeal is conferred by the Legislature. *Rushing v. State*, 85 S.W.3d 283, 286 (Tex. Crim. App. 2002). A party may appeal only that which the Legislature has authorized. *Marin v. State*, 851 S.W.2d 275, 278 (Tex. Crim. App. 1993); *Galitz v. State*, 617 S.W.2d 949, 951 (Tex. Crim. App. 1981); *see* TEX. R. APP. P. 25.2(a), (b); *Alvorado v. State*, 83 S.W.3d 203, 205 (Tex. App.—Amarillo 2002, no pet.).

The notice of appeal is not from a judgment of conviction. We have reviewed the motion at bar, and can find no authority permitting us to conclude that its denial is a type of order which the Legislature has set out as being appealable. We, therefore, have no jurisdiction over the appeal.

We dismiss the appeal for want of jurisdiction.

Jack Carter
Justice

Date Submitted: July 6, 2011
Date Decided: July 7, 2011

Do Not Publish