



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-16-00314-CR

JUSTIN S. MATTHEWS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 19th District Court  
McLennan County, Texas  
Trial Court No. 2011-1351-C1

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MEMORANDUM OPINION

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Justin S. Matthews attempts to appeal the denial of his motion to appoint counsel for his habeas corpus petition. A ruling denying a motion to appoint counsel is an interlocutory order. *See e.g. Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010) (“an order denying appointed counsel under Article 64.01(c) is not an immediately appealable order”). We do not have jurisdiction to review interlocutory orders unless jurisdiction has been expressly granted by law. *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991). *See also Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008)

("The standard for determining jurisdiction is not whether the appeal is precluded by law, but whether the appeal is authorized by law."). There is no statutory authorization to appeal the denial of a motion to appoint counsel for a habeas corpus.

Accordingly, this appeal is dismissed for want of jurisdiction.<sup>1</sup>

TOM GRAY  
Chief Justice

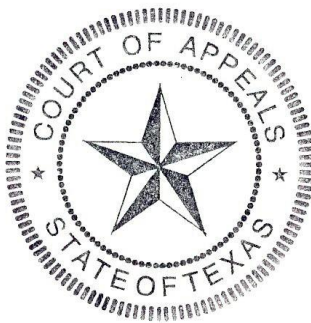
Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Appeal dismissed

Opinion delivered and filed October 5, 2016

Do not publish

[OT06]



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<sup>1</sup> A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by the Court of Criminal Appeals, a petition for discretionary review must be filed in the Court of Criminal Appeals within 30 days after either the day the court of appeals' judgment was rendered or the day the last timely motion for rehearing was overruled by the court of appeals. TEX. R. APP. P. 68.2(a).