



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-19-00071-CR

CHRISTOPHER K. SCHMOTZER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

\_\_\_\_\_  
From the 85th District Court  
Brazos County, Texas  
Trial Court No. 09-01287-CRF-85

---

---

MEMORANDUM OPINION

---

---

Christopher Schmotzer appeals the trial court's denial of his motion for appointment of counsel pursuant to Chapter 64 of the Code of Criminal Procedure. An order denying appointed counsel under Chapter 64 is not an immediately appealable order under Rule 25.2(a)(2). *Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010). Accordingly, we do not have jurisdiction to consider Schmotzer's claim and thus, must dismiss this appeal. *Id.*

Notwithstanding that this appeal must be dismissed, Schmotzer may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if Schmotzer believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Schmotzer desires to have the opinion and judgment of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court's judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

This appeal is dismissed.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Dismissed  
Opinion delivered and filed March 6, 2019  
Do not publish  
[CRPM]

