



**IN THE
TENTH COURT OF APPEALS**

**No. 10-21-00060-CR
No. 10-21-00061-CR
No. 10-21-00062-CR
No. 10-21-00063-CR
No. 10-21-00064-CR
No. 10-21-00065-CR**

JAMES RILEY LEMONS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 278th District Court
Walker County, Texas
Trial Court Nos. 29221; 29309;
29311; 29313; 29315; and 29317**

MEMORANDUM OPINION

On March 12, 2021, James Riley Lemons filed a notice of appeal with the trial court clerk in each of the above numbered cases, stating that he desires to appeal from the March 4, 2021 dismissal of his motion for speedy trial. Lemons' notice of appeal and the docketing statement, filed on April 7, 2021, notes that he is also challenging the denial of

his request for a personal recognizance bond and for default judgment. (It is unclear whether Lemons is appealing one or multiple orders.) Lemons has not been convicted in any of these cases; thus, these appeals are interlocutory. We will dismiss these appeals for want of jurisdiction.

An appellate court has jurisdiction over criminal appeals only when expressly granted by law. *See Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008) (standard for determining jurisdiction is not whether appeal precluded by law but whether appeal authorized by law). Article 44.02 of the Code of Criminal Procedure provides, “A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed. . . .” TEX. CODE CRIM. PROC. ANN. art. 44.02. This statutory right has been interpreted as allowing an appeal only from a final judgment. *See Abbott*, 694 S.W.3d at 697 n.8 (citing *State v. Sellers*, 790 S.W.2d 316, 321 n.4 (Tex. Crim. App. 1990)). The courts of appeals, therefore, “do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law.” *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991).

The law is clear in Texas that we have no jurisdiction of an interlocutory appeal of the dismissal or denial of a motion for speedy trial. *See Ex parte Delbert*, 582 S.W.2d 145, 146 (Tex. Crim. App. [Panel Op.] 1979) (citing *Ordunez v. Bean*, 579 S.W.2d 911, 913-14 (Tex. Crim. App. 1979)); *see also United States v. MacDonald*, 435 U.S. 850, 862, 98 S. Ct. 1547, 1553, 56 L. Ed. 2d 18 (1978) (“Allowing an exception to the rule against pretrial appeals in criminal cases for speedy trial claims would threaten precisely the values manifested in the Speedy Trial Clause.”); *Raines v. State*, No. 10-20-00167-CR, No. 10-20-

00168-CR, No. 10-20-00169-CR, No. 10-20-00170-CR, No. 10-20-00171-CR, No. 10-20-00172-CR, 2020 WL 4062738, at *1 (Tex. App. – Waco July 9, 2020, no pet.) (mem. op., not designated for publication). We also lack jurisdiction over an interlocutory appeal regarding excessive bail or the denial of bail. *See Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). Finally, we have not found any rule or any statutory or constitutional provision that would authorize Lemons’ appeal from the trial court’s interlocutory order denying his motion for a default judgment. Accordingly, because Lemons’ appeal is not from a judgment of conviction or an appealable interlocutory order, we have no jurisdiction. *See id.* For the foregoing reasons, each of these appeals is dismissed.

Notwithstanding that we are dismissing these appeals, Lemons may file a motion for rehearing with this Court within fifteen (15) days after the judgment of this Court is rendered. *See* TEX. R. APP. P. 49.1. If Lemons desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within thirty (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).

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Neill, and
Justice Johnson

Dismissed
Opinion delivered and filed April 28, 2021
Do not publish
[CR25]

