



IN THE
TENTH COURT OF APPEALS

No. 10-21-00099-CR

DAVID CORTEZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 19th District Court
McLennan County, Texas
Trial Court No. 2019-2049-C1

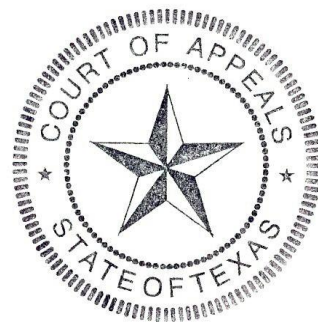
MEMORANDUM OPINION

In this matter, appellant, David Cortez, challenges the trial court's denial of his pro se "Motion for Imposition of Community Supervision (Shock Probation)." "The right to appeal is conferred by the Legislature, and a party may appeal only that which the Legislature has authorized." *Dodson v. State*, 988 S.W.2d 833, 834 (Tex. App.—San Antonio 1999, no pet.) (citing *Marin v. State*, 851 S.W.2d 275, 278 (Tex. Crim. App. 1993)). There is no statutory authority for appealing from an order denying shock probation. *See*

Houlihan v. State, 579 S.W.2d 213, 216 (Tex. Crim. App. 1979); *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977); *see also Dodson*, 988 S.W.2d at 834 (holding that an appellate court lacks jurisdiction to hear an appeal from the denial of a motion for shock probation). Therefore, because the denial of a motion for shock probation is not an appealable order, we dismiss this appeal for lack of jurisdiction.¹

JOHN E. NEILL
Justice

Before Chief Justice Gray,
Justice Neill,
and Justice Johnson
Appeal dismissed
Opinion delivered and filed May 12, 2021
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[CR25]



¹ It is also noteworthy that the record contains the trial court's certification of appellant's right of appeal, which indicates that appellant has waived his right of appeal.