



IN THE
TENTH COURT OF APPEALS

No. 10-21-00191-CR

CATARINO JOSE CASTILLO,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 85th District Court
Brazos County, Texas
Trial Court No. 08-02613-CRF-85

MEMORANDUM OPINION

Catarino Castillo was convicted of aggravated assault on a public servant, evading arrest with a vehicle, and possession of a controlled substance with intent to deliver (one gram or more but less than four grams). *See Castillo v. State*, No. 10-09-00286-CR, 2011 WL 5221238, at *1 (Tex. App. – Waco Oct. 26, 2011, pet. ref'd) (mem. op., not designated for publication). Castillo appealed his conviction, and we affirmed the trial court's judgment on October 26, 2011. *Id.* at *1, 12.

Castillo, acting *pro se*, then filed a motion for new trial on July 6, 2021. On July 7, 2021, the trial court signed an order dismissing the motion for new trial for want of jurisdiction. Castillo now appeals from the trial court's order.

Generally, a criminal defendant may only appeal from a final judgment. *State v. Sellers*, 790 S.W.2d 316, 321 n.4 (Tex. Crim. App. 1990). An order dismissing a motion for new trial is not a separately appealable order. *See Hernandez v. State*, No. 03-11-00673-CR, 2012 WL 254606, at *2-3 (Tex. App.—Austin Jan. 25, 2012, no pet.) (mem. op., not designated for publication) (order denying motion for new trial is not separately appealable order); *Billiot v. State*, No. 02-11-00298-CR, 2011 WL 4469232, at *1 (Tex. App.—Fort Worth Aug. 30, 2011, pet. ref'd) (per curiam) (mem. op., not designated for publication) (no statutory authorization for direct appeal from denial of motion for new trial independent of direct appeal from underlying conviction).

Accordingly, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 43.2(f).

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Smith
Appeal dismissed
Opinion delivered and filed September 22, 2021
Do not publish
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