

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-03-00367-CR**

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**Hurbert Harper, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 277TH JUDICIAL DISTRICT  
NO. 99-949-K277, HONORABLE WILLIAM E. BENDER, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Hurbert Harper was convicted of sexual assault and sentenced to ten years' imprisonment and a \$10,000 fine. Imposition of sentence was suspended, however, and Harper was placed on community supervision. This conviction was affirmed on appeal. *Harper v. State*, No. 03-01-00067-CR (Tex. App.—Austin Oct. 18, 2001, pet. ref'd) (not designated for publication).

On May 23, 2003, Harper filed a “motion for compensation” in this cause in the district court. In the motion, Harper alleged that he had been unlawfully denied bail and incarcerated pending the appeal from his conviction. *See Lebo v. State*, 90 S.W.3d 324, 330 (Tex. Crim. App. 2002) (construing Tex. Code Crim. Proc. Ann. art. 44.04(b) (West Supp. 2003)). Harper sought monetary compensation for 298 days spent in the Williamson County Jail; the waiver of all fines, court costs, and probation fees; and the recalculation of his probation release date, which he says was

extended from January 8, 2011, to March 27, 2012. The district court overruled Harper's motion on June 5, and this appeal followed.

The State has filed a motion to dismiss the appeal urging that the district court's order is not appealable. In his response to the motion, Harper concedes that it is meritorious.

We are not aware of any statute, rule, or authority permitting a party to obtain relief from the direct or indirect effects of a criminal conviction by means of a motion of the sort filed by Harper in this cause.<sup>1</sup> Neither are we aware of any statute or rule permitting Harper to appeal from the district court's order denying the relief requested in his motion. *See Marin v. State*, 851 S.W.2d 275, 278 (Tex. Crim. App. 1993) (right to appeal is statutory right).

The State's motion is granted, and the appeal is dismissed.

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W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Dismissed

Filed: August 14, 2003

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<sup>1</sup> Harper cited no authority in his motion or at the hearing on the motion.