

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00468-CR

Clarence Macvey Donald, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. D-1-DC-04-205413, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

MEMORANDUM OPINION

Clarence Donald seeks to appeal from the district court's order dismissing the above cause on the State's motion after a new indictment was filed. Generally, we have criminal appellate jurisdiction only when there has been a judgment of conviction. *See Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961). We do not have jurisdiction except as expressly granted to us by law. *See Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). We have found no statute that vests this Court with jurisdiction over a defendant's direct appeal from a trial court's order granting the State's pretrial motion to dismiss an indictment or information.

The appeal is dismissed.

W. Kenneth Law, Chief Justice

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

Dismissed for Want of Jurisdiction

Filed: August 25, 2005

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