

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-16-00228-CV
NO. 03-16-00229-CV**

Johnathan Johnson, Appellant

v.

Hays County District Attorney's Office, Appellee

**FROM THE COUNTY COURT AT LAW NO. 2 OF HAYS COUNTY
NOS. 15-990-CR, 15-991-CR & 16-0993-CR
HONORABLE DAVID GLICKLER, JUDGE PRESIDING**

MEMORANDUM OPINION

Johnathan Johnson filed these attempted appeals of the trial court's March 3, 2016 order appointing an expert to examine him for competency in the underlying criminal prosecutions.¹ *See* Tex. Code Crim. Proc. arts. 46B.005(a) (authorizing court to order examination to determine whether defendant is incompetent to stand trial in criminal case); 46B.021 (allowing for appointment of experts to conduct defendant's competency examination).

However, that order relates to the court's determination or ruling under article 46B.005, and we lack jurisdiction to review it. *See id.* art. 46B.011 (providing that neither State nor defendant is entitled to interlocutory appeal "relating to determination or ruling under

¹ Johnson previously filed another appeal from this order, which was also dismissed for want of jurisdiction. *See Johnson v. Hays Cty. Dist. Attorney's Office*, No. 03-16-00186-CV, 2016 Tex. App. LEXIS 5402, at *1-2 (Tex. App.—Austin May 20, 2016, no pet. h.) (mem. op.).

Article 46B.005”); *Queen v. State*, 212 S.W.3d 619, 620-21 (Tex. App.—Austin 2006, no pet.) (recognizing unavailability of interlocutory appeal from trial court’s determination under article 46B.005). Accordingly, we dismiss these appeals for want of jurisdiction. *See* Tex. R. App. P. 43.2(f).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Bourland

Dismissed for Want of Jurisdiction

Filed: June 17, 2016