

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00718-CR

Gallon Wayne Hodges, Appellant

v.

The State of Texas, Appellee

**FROM THE 167TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY,
NO. D-1-DC-02-904040, HONORABLE BRENDA P. KENNEDY, JUDGE PRESIDING**

MEMORANDUM OPINION

In 2002, appellant Gallon Wayne Hodges was convicted of the offense of aggravated robbery and sentenced to 45 years' imprisonment.¹ Subsequently, Hodges filed a pro se "Petition for Grand Jury Minutes and Transcript," which the district court denied. Hodges has filed a notice of appeal from the district court's order.

This Court has jurisdiction in criminal cases only when the appeal is expressly authorized by law.² There is no statute authorizing an appeal from the denial of a petition for

¹ See *Hodges v. State*, No. 03-02-00422-CR, 2003 Tex. App. LEXIS 8490 (Tex. App.—Austin Oct. 2, 2003, no pet.) (mem. op., not designated for publication).

² See Tex. Const. art. V, § 6(a); *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008); *Dewalt v. State*, 417 S.W.3d 678, 683 (Tex. App.—Austin 2013, pet. ref'd).

disclosure of grand-jury proceedings.³ Accordingly, we dismiss the appeal for want of jurisdiction.⁴

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Goodwin

Dismissed for Want of Jurisdiction

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³ See *Kelly v. State*, 151 S.W.3d 683, 686-87 (Tex. App.—Waco 2004, no pet.); see also *Muse v. State*, No. 06-14-00078-CR, 2014 Tex. App. LEXIS 5898, at *2 (Tex. App.—Texarkana June 3, 2014, no pet.) (mem. op., not designated for publication); *Harrell v. State*, No. 14-10-01207-CR, 2010 Tex. App. LEXIS 10139, at *1-2 (Tex. App.—Houston [14th Dist.] Dec. 23, 2010, no pet) (mem. op., not designated for publication).

⁴ In the alternative, to the extent that Hodges’s attempted appeal could be construed as a petition for writ of mandamus, we would deny relief. The statute authorizing the disclosure of information relating to grand-jury proceedings requires “a showing by the defendant of a particularized need” for the information before the trial court may disclose it. See Tex. Code Crim. Proc. art. 20.02(d). We could not conclude on this record that Hodges made any such showing here so as to entitle him to mandamus relief. See *In re Allen*, 462 S.W.3d 47, 49-50 (Tex. Crim. App. 2015) (discussing mandamus standard of review in criminal cases); see also *In re Yarborough*, No. 06-11-00148-CR, 2011 Tex. App. LEXIS 6442, at *1-2 (Tex. App.—Texarkana Aug. 11, 2011, orig. proceeding) (mem. op., not designated for publication) (denying mandamus relief in similar case seeking disclosure of grand-jury minutes).