

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00238-CR

Jonas Smith, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT
NO. D-1-DC-13-205993, HONORABLE KAREN SAGE, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Jonas Smith, appearing pro se, seeks to appeal from the trial court’s order denying appellant’s request for appointment of counsel to file an application for writ of habeas corpus. In criminal cases, an appeal is authorized only when a trial court “enters a judgment of guilt or other appealable order.” Tex. R. App. P. 25.2(a)(2); *see* Tex. Code Crim. Proc. art. 44.02 (“A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed . . .”). As a general rule, unless expressly authorized by statute, appellate courts only have jurisdiction to review final judgments. *Abbott v. State*, 271 S.W.3d 694, 696-07 (Tex. Crim. App. 2008) (standard for determining jurisdiction is not whether appeal is precluded by law but whether appeal is authorized by law); *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991) (intermediate courts of appeals do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law); *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no

pet.) (listing exceptions to general rule). There is no express grant of a right to appeal from a trial court's order denying a motion for appointment of counsel to file an application for writ of habeas corpus; such an order is not an order from which the Texas Legislature has authorized an appeal. *See Braley v. State*, 06-15-00181-CR, 2015 WL 8476674, at *1 (Tex. App.—Texarkana Dec. 10, 2015, no pet.) (mem op., not designated for publication); *Kossie v. State*, No. 14-15-00131-CR, 2015 WL 1262504, at *1 (Tex. App.—Houston [14th Dist.] Mar. 17, 2015, no pet.) (per curiam) (mem op., not designated for publication). Accordingly, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f). We also dismiss any pending motions.

Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Jurisdiction

Filed: June 8, 2017

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