

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

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**NO. 03-17-00675-CR**

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**The Money Store, LP, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM COUNTY COURT AT LAW NO. 2 OF TRAVIS COUNTY  
NO. C-1-CR-17-100026, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

A complaint was issued against The Money Store, LP, alleging that The Money Store violated a City of Austin ordinance by “operat[ing] as a credit access business and extend[ing] consumer credit that provided for repayment in more than four installments.” *See* Austin, Tex., Code § 4-12-22(D). The Money Store filed a motion to quash and dismiss the complaint arguing, among other things, that the City’s ordinance was preempted by various provisions of the Texas Finance Code as well as rules promulgated by the Office of Consumer Credit Commissioner. After considering the parties’ arguments, the Austin municipal court of record granted the motion to quash and concluded that “the City of Austin is preempted from limiting the number of installment payments and by implication the total amount of fee[s] that may be charged.” The State appealed the municipal court’s ruling. *See* Tex. Gov’t Code § 30.00014(a); Tex. Code Crim. Proc.

art. 44.01(a)(1). On appeal, the county court at law reversed the municipal court's order quashing the criminal complaint and remanded the case for further proceedings.

Following the ruling by the county court at law, The Money Store appealed that determination. As support for its assertion that this Court has jurisdiction to review the ruling by the county court at law, The Money Store refers to section 30.00027 of the Government Code. *See* Tex. Gov't Code § 30.00027. That provision does set out the circumstances in which a defendant may appeal an appellate determination by a county court at law regarding a decision by a municipal court of record. In particular, the provision states that an "appellant has the right to appeal to the court of appeals if . . . the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the" county court at law or if "the sole issue is the constitutionality of the statute or ordinance on which a conviction is based." *See id.* § 30.00027(a).

In this case, the municipal court did not convict The Money Store or impose a fine, and the county court at law did not affirm the municipal court's judgment. Accordingly, section 30.00027 does not authorize an appeal under the circumstances present here. *Cf. Schatz v. State*, 471 S.W.3d 928, 929-30 (Tex. App.—Fort Worth 2015, no pet.) (dismissing appeal for "want of jurisdiction" even though fine exceeded \$100 minimum "[b]ecause the county court did not affirm the municipal court's judgment" and instead dismissed case); *Flores v. State*, 462 S.W.3d 551, 552 (Tex. App.—Houston [1st Dist.] 2015, no pet.) (concluding that court of appeals did not have jurisdiction over appeal because "the county criminal court dismissed, rather than affirmed, Flores's municipal court judgment[,]," because fine imposed "did not exceed \$100," and because record showed that sole issue was not constitutionality of statute or ordinance); *see also McKinney v. State*,

207 S.W.3d 366, 374 (Tex. Crim. App. 2006) (noting that right to appeal criminal conviction “is created by statute”). Moreover, by reversing the municipal court’s order, the county court at law has effectively denied The Money Store’s motion to quash, which is an interlocutory ruling. *See Ex parte Alvear*, 524 S.W.3d 261, 263 (Tex. App.—Waco 2016, no pet.). “The courts of appeals do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law.” *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991). “No such authorization has been made for an interlocutory appeal of an order denying a motion to quash.” *Ex parte Alvear*, 524 S.W.3d at 263.

For all of these reasons, we conclude that we do not have appellate jurisdiction of this appeal and dismiss The Money Store’s appeal for want of jurisdiction. *See Tex. R. App. P. 43.2(f)*.

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David Puryear, Justice

Before Justices Puryear, Pemberton, and Bourland

Dismissed for Want of Jurisdiction

Filed: February 22, 2018

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