



**NUMBER 13-16-00646-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**ERNESTO BENAVIDES JR.,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 107th District Court  
of Cameron County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Benavides and Hinojosa  
Memorandum Opinion by Justice Benavides**

Appellant Ernesto Benavides Jr., proceeding pro se, attempts to appeal an October 14, 2016 order denying appellant's "Motion Requesting a Due Process Review." On November 30, 2016, the Clerk of this Court notified appellant that it appeared that the order from which the appeal was taken was not an appealable order, and requested

correction of this defect within ten days or the appeal would be dismissed. Appellant has responded to this Court's directive and asserts that he is seeking a review similar to "discretionary review," and raises complaints regarding the ineffective assistance of counsel and suppression of exculpatory evidence.

An appellate court has the obligation to determine its own jurisdiction. See *Ramirez v. State*, 89 S.W.3d 222, 225 (Tex. App.—Corpus Christi 2002, no pet.); *Yarbrough v. State*, 57 S.W.3d 611, 615 (Tex. App.—Texarkana 2001, pet. ref'd); *Laureles v. State*, No. 13-13-00535-CR, 2014 WL 1669102, at \*1 (Tex. App.—Corpus Christi Apr. 24, 2014, no pet.) (mem. op., not designated for publication). Generally, a state appellate court only has jurisdiction to consider an appeal by a criminal defendant where there has been a final judgment of conviction. *Workman v. State*, 170 Tex. Crim. 621, 343 S.W.2d 446, 447 (1961); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). Exceptions to the general rule include: (1) certain appeals while on deferred adjudication community supervision, *Kirk v. State*, 942 S.W.2d 624, 625 (Tex. Crim. App. 1997); (2) appeals from the denial of a motion to reduce bond, TEX. R. APP. P. 31.1; *McKown*, 915 S.W.2d at 161; and (3) certain appeals from the denial of habeas corpus relief, *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.); *McKown*, 915 S.W.2d at 161.

The Court, having examined and fully considered the notice of appeal and the matters before the Court, is of the opinion that there is not an appealable order and this Court lacks jurisdiction over the matters herein. Because there is no appealable order, we DISMISS the appeal for want of jurisdiction. All pending motions, if any, are likewise

DISMISSED.

GINA M. BENAVIDES,  
Justice

Do not publish.  
See TEX. R. APP. P. 47.2(b).

Delivered and filed the  
9th day of February, 2017.