



NUMBER 13-21-00292-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

EX PARTE D.A.G.

**On appeal from the 357th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Hinojosa, Tijerina, and Silva
Memorandum Opinion by Justice Tijerina**

Upon review of the documents before the Court, it appears there is no final, appealable order. On September 10, 2021, we received appellant's notice attempting to appeal a writ of habeas corpus and/or writ for bond reduction. On September 14, 2021 and October 15, 2021, the Clerk of the Court notified appellant it appeared there was no final, appealable order and if the defect was not corrected within thirty days, the appeal may be subject to dismissal for want of prosecution. See Tex. R. App. P. 37.1. On December 1, 2021, the Clerk of the Court sent a third notice to appellant's counsel. Appellant has neither corrected the defect nor responded to the Court's notice.

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. Additionally, the notice of appeal cannot be construed as premature because it was filed before the trial court has made a finding of guilt or has received a jury verdict. See TEX. R. APP. P. 27.1(b).

Due to appellant's failure to cure the defect and failure to respond to the Clerk of the Court's notice, this appeal is dismissed for want of prosecution. See Tex. R. App. P. 37.1.

JAIME TIJERINA
Justice

Do not publish.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

Delivered and filed on the
27th day of January, 2022.