



NUMBER 13-22-00058-CR
COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG

EFRAIN VALENCIA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the County Court at Law No. 2
of Hidalgo County, Texas.**

MEMORANDUM OPINION

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

This cause is before the Court upon its own motion. On February 7, 2022, appellant attempted to appeal a denial of a motion to dismiss in trial court cause number CR-21-00856-B. On February 14, 2022, the Clerk of the Court notified appellant that it appears the order he was attempting to appeal is not appealable. Appellant was further notified that if the defect was not corrected within thirty days from the date of the letter, the appeal would be subject to dismissal. On March 24, 2022, the Court received appellant's

docketing statement indicating the Honorable Traci Evans was now representing appellant. On March 24, 2022, the Clerk of the Court sent notice to appellant's new counsel that it appeared the order appellant is attempting to appeal is not appealable. The notice instructed appellant that if the defect was not corrected within thirty days from the date of the letter, the appeal would be subject to dismissal.

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*, 343 S.W.2d 446, 447 (Tex. Crim. App. 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.

Our review of the documents before the Court does not reveal an appealable order entered by the trial court within thirty days before the filing of appellant's notice of appeal. The Court, having examined and fully considered notice of appeal, is of the opinion that there is not an appealable order, and this Court lacks jurisdiction over the matters herein. Accordingly, this appeal is dismissed for lack of jurisdiction.

CLARISSA SILVA
Justice

Do not publish.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

Delivered and filed on the
26th day of May, 2022.