



NUMBER 13-22-00102-CR
COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG

ISMAEL CASTILLO,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 347th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

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

This cause is before the Court on appellant's motion for extension of time to file a notice of appeal. On March 17, 2022, appellant attempted to appeal a motion for forensic DNA testing in cause number 18FC-1930-H. On March 17, 2022, the Clerk of the Court notified appellant that there appears to be no final, appealable order. Appellant was further notified that if the defect is not corrected within thirty days from the date of the letter, the appeal would be dismissed for want of prosecution. On April 22, 2022, after the

trial court appointed new counsel for the appellant, appellant filed a motion for extension of time to file notice of appeal; however, he has failed to identify or provide a final, appealable order in this cause.

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 the motion and notice of appeal, is of the opinion that there is not an appealable order, and this Court lacks jurisdiction over the matters herein. Accordingly, appellant's motion for extension of time to file a notice of appeal is denied, and 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Do not publish.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.