

NO. 12-17-00325-CR
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

EX PARTE: § *APPEAL FROM THE 188TH*
§ *JUDICIAL DISTRICT COURT*
JAMIE LOPEZ COMPOSANO § *GREGG COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

Jamie Lopez Composano, acting pro se, seeks to appeal from the denial of a post-conviction motion for copies of grand jury proceedings and transcripts. On October 23, 2017, this Court notified Appellant that the notice of appeal failed to show the jurisdiction of the Court, i.e., the order being appealed is not an appealable order. We further notified Appellant that unless the information was amended on or before November 22 to show this Court's jurisdiction, the appeal would be dismissed. *See* TEX. R. APP. P. 37.2, 44.3. On November 13, Appellant responded that he is not appealing from a judgment or sentence of the trial court.

An appellate court has jurisdiction over a criminal appeal only from a final judgment of conviction or where expressly granted by law. *McIntosh v. State*, 110 S.W.3d 51, 52 (Tex. App.—Waco 2002, no pet.). The standard for determining jurisdiction is whether the appeal is authorized by law. *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008). In this case, we have not located any rule or statutory or constitutional provision that would authorize Appellant's appeal from the trial court's post-judgment order denying his motion for copies. *See id.* at 697; *see also Poole v. State*, No. 14-14-00081-CR, 2014 WL 1268617 (Tex. App.—Houston [14th Dist.] Mar. 27, 2014, no pet.) (mem. op., not designated for publication) (dismissing appeal of denial of post-conviction motion for record for want of jurisdiction). Only the Texas Court of Criminal Appeals has authority over post-conviction criminal complaints.

See Ater v. Eighth Court of Appeals, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also In re Briscoe*, 230 S.W.3d 196, 196-97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Accordingly, because we do not have authority to consider Appellant’s appeal from his post-conviction motion, we **dismiss** the appeal for **want of jurisdiction**. *See* TEX. R. APP. P. 43.2(f).

Opinion delivered November 30, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 30, 2017

NO. 12-17-00325-CR

EX PARTE: JAMIE LOPEZ COMPOSANO

Appeal from the 188th District Court
of Gregg County, Texas (Tr.Ct.No. 44-050-A)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.