

NO. 12-19-00039-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

**MARCUS DEWAYNE MATLOCK,
APPELLANT**

§ **APPEAL FROM THE 114TH**

V.

§ **JUDICIAL DISTRICT COURT**

**THE STATE OF TEXAS,
APPELLEE**

§ **SMITH COUNTY, TEXAS**

**MEMORANDUM OPINION
PER CURIAM**

This appeal is being dismissed for want of jurisdiction. Marcus Dewayne Matlock, acting pro se, filed a notice of appeal to challenge the denial of his motions to disqualify and recuse the trial court judge.

On February 4, 2019, this Court notified Appellant that the information received failed to show the jurisdiction of the Court, i.e., there is no final judgment or appealable order contained therewith. The notice further advised Appellant that the appeal would be dismissed unless the information was amended on or before March 6, 2019, to show this Court's jurisdiction. This deadline passed without a response to the February 4 notice.

“[I]n Texas, appeals by either the State or the defendant in a criminal case are permitted only when they are specifically authorized by statute.” *State ex rel. Lykos v. Fine*, 330 S.W.3d 904, 915 (Tex. Crim. App. 2011). Appellate courts likewise have no jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law. *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). An order denying a motion to recuse may be reviewed only for abuse of discretion on appeal from the final judgment. *See* TEX. R. CIV. P. 18a(j)(1)(A); *see De Leon v. Aguilar*, 127 S.W.3d 1, 5 (Tex. Crim. App. 2004) (Rule 18a applies to criminal cases). Accordingly, we have no jurisdiction to review an interlocutory appeal from the denial of a motion to recuse. *See* TEX. R. CIV. P. 18a(j)(1)(A); *see also Hranicky v. State*, No. 01-11-00557-

CR, 2013 WL 1804495, at *3 (Tex. App.—Houston [1st Dist.] Apr. 30, 2013, pet. ref'd) (mem. op., not designated for publication) (dismissing for want of jurisdiction appeal from denial of pre-trial motion to recuse). For this reason, we *dismiss* Appellant's appeal for *want of jurisdiction*. See TEX. R. APP. P. 43.2(f).

Opinion delivered March 12, 2019.

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(DO NOT PUBLISH)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

MARCH 12, 2019

NO. 12-19-00039-CR

MARCUS DEWAYNE MATLOCK,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-0530-18)

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.