

NO. 12-21-00210-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BENITO HINOJOSA,
APPELLANT***

§ ***APPEAL FROM THE 3RD***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***HENDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Benito Hinojosa, acting pro se, filed a notice of appeal in trial court cause number CR-21-0785-3. The clerk's record has been filed and reflects that the trial court granted the State's motion to dismiss cause number CR-21-0785-3.

In criminal cases, an appellate court has jurisdiction only from a final judgment of conviction or where expressly granted by law. *See Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008) (standard for determining jurisdiction is not whether appeal is precluded by law but whether appeal is authorized by law); *see also Young v. State*, No. 12-06-00189-CR, 2006 WL 1699585, at *1 (Tex. App.—Tyler June 21, 2006, no pet.) (mem. op. not designation for publication); *McIntosh v. State*, 110 S.W.3d 51, 52 (Tex. App.—Waco 2002, no pet.). Because the underlying case has been dismissed, there is no conviction and sentence to challenge on appeal. And an order granting the State's motion to dismiss is not a separately appealable order. *See Flores v. State*, No. 01-20-00243-CR, 2020 WL 2988564, at *3 (Tex. App.—Houston [1st Dist.] June 4, 2020, pet. ref'd) (mem. op., not designated for publication) (per curiam); *see also Small v. State*, No. 14-14-00653-CR, 2014 WL 4384685, at *1 (Tex. App.—Houston [14th Dist.] Sept. 4, 2014, no pet.) (mem. op., not designated for publication) (per curiam). Accordingly, we *dismiss* the appeal for *want of jurisdiction*.

Opinion delivered February 9, 2022.
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(DO NOT PUBLISH)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

FEBRUARY 9, 2022

NO. 12-21-00210-CR

BENITO HINOJOSA,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 3rd District Court
of Henderson County, Texas (Tr.Ct.No. CR21-0785-3)

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.