

Dismissed and Opinion filed January 25, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01119-CR

RICHARD M. SORGMANN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Cause No. 710,866**

M E M O R A N D U M O P I N I O N

After plea of nolo contendere to the charge of attempted murder, the trial court deferred a finding of guilt and placed appellant on community supervision for six years. On February 10, 2000, the State filed a motion to adjudicate guilt alleging appellant had violated the terms and conditions of his community supervision. The trial court found appellant had violated the terms and conditions of his community supervision, entered a finding of guilt, and sentenced appellant to ten years in the Texas Department of Criminal Justice--Institutional Division. Appellant filed a *pro se* notice of appeal and requested that the court appoint counsel for him. The trial court granted appellant's request for appointed counsel.

Appointed counsel, thereafter, filed a notice of appeal on June 5, 2000. That appeal is now pending before this Court.

On July 26, 2000, after counsel was appointed, appellant filed a *pro se* motion for release. In that motion, appellant asked the trial court to release him in the “interest of both moral and legal justice.” The trial court denied the motion. On August 3, 2000, appellant filed a *pro se* notice of appeal in an attempt to appeal the trial court’s denial of his motion for release.

Appellant is not entitled to a separate appeal from the trial court’s order denying his *pro se* motion for release; this contention may be raised in the pending appeal in which appellant is represented by counsel. Appellant’s appointed counsel specifically asked the district clerk not to create a separate appeal based on the *pro se* notice filed by appellant. Despite this request, the district clerk filed this as a separate appeal.

On January 3, 2001, this Court sent notification to appellant of our intent to dismiss this appeal for want of jurisdiction. Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 25, 2001.

Panel consists of Justices Yates, Wittig, and Frost.

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