

Dismissed and Opinion filed June 28, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00399-CR

TRENT WINTERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th District Court
Harris County, Texas
Trial Court Cause No. 829,506**

MEMORANDUM OPINION

After a jury trial, appellant was convicted of the offense of aggravated assault and sentenced to four years confinement in the Texas Department of Criminal Justice--Institutional Division on February 11, 2000. That same day, appellant filed a notice of appeal. The appeal, challenging appellant's conviction, was assigned to this Court, designated as appellate cause number 14-00-00400-CR, and is pending.

Before his conviction, appellant had filed a pro se motion to recuse the trial judge. The trial judge declined to recuse herself and forwarded the motion to the Presiding Judge of the Second Administrative Judicial Region. The Presiding Judge denied the motion on

February 15, 2001. After the motion was denied, appellant filed a *second* notice of appeal in an attempt to appeal from the denial of the motion to recuse.

We dismiss this second appeal for want of jurisdiction. The order denying the motion to recuse is not an appealable order; rather, if appellant wishes to contest the denial of the motion to recuse, he should have raised it as an issue in the appeal from the judgment of conviction in cause number 14-00-00400-CR.

Accordingly, we dismiss the appeal.

PER CURIAM

Judgment rendered and Opinion filed June 28, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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