

**Opinion of June 15, 2000 withdrawn. Dismissed and Corrected Opinion filed September 14, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-98-01409-CR**  
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**SERVANDO OLIVAREZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 183<sup>rd</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 724,694**

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**C O R R E C T E D O P I N I O N**

Servando Olivarez, appellant, was charged with sexual assault of a child. He entered a plea of guilty to the offense, but later attempted to withdraw his plea. The trial court granted appellant's motion. Subsequently, appellant filed a special plea of double jeopardy, claiming that he had already been convicted of the same offense in another county. The trial court denied his special plea. In his sole point of error, appellant contends that the trial court erred in overruling his special plea of double jeopardy. Because appellant brings an interlocutory appeal, we dismiss for want of jurisdiction.

The denial of a special plea is an interlocutory order over which a court of appeals has no jurisdiction. *See Ex parte Robinson*, 641 S.W.2d 552, 555 (Tex. Crim. App. 1982); *Ex parte Bui*, 983 S.W.2d 73,74 (Tex. App.–Houston [1<sup>st</sup> Dist.] 1998, pet. ref'd). Here, the appellant appealed from the pretrial ruling by the trial court. That ruling was not a final judgment.<sup>1</sup> There is no statutory provision which grants this court jurisdiction over a special plea before a final judgment has been entered. *See Ex parte Apolinar*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991). Therefore, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed September 14, 2000.

Panel consists of Justices Robertson, Sears, and Lee.\*

Do Not Publish — TEX. R. APP. P. 47.3(b).

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<sup>1</sup> The pretrial writ of habeas corpus, however, provides relief. TEX. CODE CRIM. PROC. ANN. Art. 11.01 (Vernon 1994). *See Ex Parte Robinson*, 641 S.W.2d 552 (Tex. Crim. App.1982).

\* Senior Justices Sam Robertson, Ross A .Sears, and Norman Lee sitting by assignment.