

NO. 12-10-00391-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

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| <i>WILLIAM T. NICHOLAS, JR., APPELLANT</i> | § | <i>APPEAL FROM THE 7TH</i> |
| <i>V.</i> | § | <i>JUDICIAL DISTRICT COURT OF</i> |
| <i>THE STATE OF TEXAS, APPELLEE</i> | § | <i>SMITH COUNTY, TEXAS</i> |

***MEMORANDUM OPINION
PER CURIAM***

Appellant William Nicholas, Jr. seeks to appeal his conviction and sentence for the offense of violation of bond/protective order. Appellant's counsel has notified this court in writing that, pursuant to an agreement with the State, Appellant entered an open plea of guilty to other pending charges, and the trial court considered the violation of bond/protective order charge in assessing punishment. Consequently, there is no judgment of conviction in this case, and the indictment for violation of bond/protective order ultimately will be dismissed. *See* TEX. PENAL CODE ANN. § 12.45(c) (Vernon 2003) (prosecution barred for offense lawfully considered under penal code section 12.45).

Counsel has further informed this court that there is no final judgment or other appealable order in this cause and therefore this court has no jurisdiction in this appeal. We agree. Accordingly, the appeal is *dismissed for want of jurisdiction*.

Opinion delivered December 8, 2010.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)