

NO. 12-11-00001-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>HENRY JOE PETTIGREW,</i> <i>APPELLANT</i>	§	<i>APPEAL FROM THE 114TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS,</i> <i>APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

MEMORANDUM OPINION
PER CURIAM

Appellant Henry Joe Pettigrew was convicted of murder and sentenced to ninety-nine years of imprisonment. This court affirmed his conviction on March 31, 1994. See *Pettigrew v. State*, No. 12-90-00338-CR (Tex. App.–Tyler Mar. 31, 1994, pet. ref'd) (not designated for publication).

On January 3, 2011, Appellant filed a notice of appeal from the postconviction order signed by the trial court denying his (1) petition for writ of mandamus in which he complained of the former criminal district attorney; (2) motion for an evidentiary hearing; (3) motion for appointment of counsel; and (4) motion for leave to proceed in forma pauperis. As a general rule, an appeal in a criminal case may be taken only from a judgment of conviction. See *Workman v. State*, 170 Tex. Crim. 621, 622, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961). However, there are certain narrow exceptions to this rule. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.–Dallas 1998, no pet.) (listing exceptions). Appellant timely appealed the final judgment of conviction signed on November 8, 1990. The orders identified in his notice of appeal are not final judgments of conviction. No exception to the general rule stated in *Workman* applies here. Therefore, we have no jurisdiction over the appeal.

On October 3, 2011, this court notified Appellant, pursuant to Texas Rule of Appellate Procedure 37.2, that the information received in this appeal does not contain a final judgment or other appealable order. Appellant was further informed that the appeal would be dismissed if the information received in the appeal was not amended on or before October 13, 2011, to show the jurisdiction of this court. The October 13, 2011 deadline has passed, and Appellant has neither shown the jurisdiction of this court nor otherwise responded to the court's October 3, 2011 notice. Because Appellant has not shown the jurisdiction of this court, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 37.1, 44.3. All pending motions are overruled as moot.

Opinion delivered October 19, 2011.

*Panel consisted of Worthen, C.J., and Hoyle, J.
Griffith, J., not participating.*

(DO NOT PUBLISH)