

NO. 12-13-00021-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

FOUR THOUSAND FOUR HUNDRED § APPEAL FROM THE 241ST
EIGHTY-FIVE DOLLARS (\$4,485.00)
IN U.S. CURRENCY,
APPELLANT

V. § JUDICIAL DISTRICT COURT
THE STATE OF TEXAS,
APPELLEE § SMITH COUNTY, TEXAS

MEMORANDUM OPINION
PER CURIAM

This pro se *in forma pauperis* appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c). The judgment in this case was signed on October 25, 2012. Appellant timely filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On January 18, 2013, Appellant was notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with Rules 9.5 and 25.1(e). He was further notified that unless he filed an amended notice of appeal on or before February 18, 2013, the appeal would be referred to the court for dismissal. See TEX. R. APP. P. 42.3(c). The deadline for filing an amended notice of appeal has passed, and Appellant has not corrected his defective notice of appeal. Accordingly, the appeal is ***dismissed*** for failure to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.3(c); ***Feist v. Berg***, No. 12-04-00004-CV, 2004 WL 252785, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied); ***Feist v. Hubert***, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied).

Opinion delivered February 28, 2013.

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

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

FEBRUARY 28, 2013

NO. 12-13-00021-CV

FOUR THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS

(\$4,485.00) IN U.S. CURRENCY,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 241st Judicial District Court
of Smith County, Texas. (Tr.Ct.No. 10-3109-C)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By per curiam opinion.

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