

NO. 12-16-00167-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***MICHAEL KENNEDY,
APPELLANT***

§ ***APPEAL FROM THE 3RD***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***ANDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Michael Kennedy, filed a notice of appeal and a supplemental notice of appeal by which he purports to appeal a \$10,000 fine and \$225 in court costs assessed against him. In his original notice of appeal and in the supplement, Appellant refers to trial court cause number 29326, in which he was convicted of theft of property worth more than \$1,500 and less than \$20,000.

On original submission, this Court affirmed Appellant's conviction but reversed the judgment with respect to the punishment imposed and remanded to the trial court for a new punishment hearing. *See Kennedy v. State*, No. 12-08-00246-CR, 2009 WL 4829989, at *4 (Tex. App.–Tyler Dec. 16, 2009, no pet.) (mem. op., not designated for publication). After remand, we affirmed the trial court's judgment on punishment. *See Kennedy v. State*, No. 12-11-00041-CR, 2012 WL 3201924, at *8 (Tex. App.–Tyler Aug. 8, 2012, pet. ref'd) (mem. op., not designated for publication). Thus, Appellant's theft conviction has been final for several years, and he no longer has the right to appeal either of the trial court's judgments in that case. *See TEX. R. APP. P. 26.2(a)* (requiring filing of notice of appeal in criminal case within thirty days after sentence is imposed or suspended in open court or within ninety days thereafter if timely motion for new trial is filed). And Appellant has not provided or referred to any other judgment or order from which he has the right to appeal.

On June 14, 2016, the clerk of this Court notified Appellant that the information filed in this appeal does not include a final judgment or other appealable order and, therefore, does not show the jurisdiction of this Court. *See* TEX. R. APP. P. 37.2. Appellant was warned that the appeal would be dismissed unless the information in the appeal was amended, on or before July 12, 2016, to show this Court's jurisdiction. *See* TEX. R. APP. P. 44.3. This deadline has now passed, and Appellant has neither shown the jurisdiction of this Court nor otherwise responded to its June 14, 2016 notice. Accordingly, the appeal is ***dismissed for want of jurisdiction***. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered July 20, 2016.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JULY 20, 2016

NO. 12-16-00167-CR

MICHAEL KENNEDY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 29326)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

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

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.