

DISMISS and Opinion Filed February 8, 2017



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-01301-CV

No. 05-16-01302-CV

SCOTT RICHARDSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Municipal Court of Mesquite
Dallas County, Texas
Trial Court Cause Nos. 11151556 & 11151557**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Chief Justice Wright

By letter dated January 9, 2017, the Court questioned its jurisdiction over these appeals. Specifically, we questioned whether the orders appellant appeals from are reviewable by direct appeal to this Court. We requested that appellant file a jurisdictional brief addressing the issue and gave appellee an opportunity to respond.

Appellant is appealing orders from the Mesquite Municipal Court finding him guilty for operating a vehicle without a front license plate and driving while license is invalid. The municipal court imposed fines for each violation. Appellant filed notices of appeal of the municipal court orders directly to this Court.

County criminal courts of appeal have *sole* jurisdiction of all appeals from criminal convictions for violations of municipal ordinances of municipalities located in the county. *See*

TEX. GOV'T CODE ANN. §§ 25.0594(a)(1) & 30.00014(a) (West Supp. 2016). The Texas Constitution confers the courts of appeals with jurisdiction over “all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law.” Tex. Const. art. V, § 6(a). Section 30.00027(a) of the government code provides:

(a) The appellant has the right to appeal to the court of appeals if:

(1) the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court; or

(2) the sole issue is the constitutionality of the statute or ordinance on which a conviction is based.

TEX. GOV'T CODE ANN. § 30.00027(a) (West Supp. 2016). This section limits our jurisdiction of appeals *from* county criminal court appellate decisions to the specific situations set forth in the statute. *See Tex. Vital Care v. State*, 323 S.W.3d 609, 612 (Tex. App.—Texarkana 2010, no pet.). If an appellate court is without jurisdiction over an appeal, it can only dismiss the appeal. *See Sherman v. State*, 12 S.W.3d 489, 492 (Tex. App.—Dallas 1999, no pet.).

As stated in his notices of appeal, appellant appealed directly to this Court from the municipal court. Appellant filed a letter brief. However, he fails to address the statutory mandate that a county court of criminal appeals has *sole* jurisdiction over appeals from municipal courts. Appellant skipped a required step - he failed to first take his appeals to the county court of criminal appeals.

This Court has no jurisdiction over appeals directly from a municipal court. Accordingly, we dismiss the appeals. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SCOTT RICHARDSON, Appellant

No. 05-16-01301-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the Municipal Court of the
City of Mesquite, Dallas County, Texas
Trial Court Cause No. 11151556.

Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee THE STATE OF TEXAS recover its costs of this appeal from appellant SCOTT RICHARDSON.

Judgment entered February 8, 2017.



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

SCOTT RICHARDSON, Appellant

No. 05-16-01302-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the Municipal Court of the
City of Mesquite, Dallas County, Texas
Trial Court Cause No. 11151557.

Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee THE STATE OF TEXAS recover its costs of this appeal from appellant SCOTT RICHARDSON.

Judgment entered February 8, 2017.