

**Dismissed and Memorandum Opinion filed September 15, 2015.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-15-00475-CR**

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**RICHARD OHENDALSKI, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court  
Austin County, Texas  
Trial Court Cause No. 14CR-31904**

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**M E M O R A N D U M    O P I N I O N**

Appellant attempts to appeal his conviction for speeding in which the municipal court assessed a fine of \$85. Appellant appealed to the County Court at Law, which affirmed his conviction. Because we lack jurisdiction, we dismiss the appeal.

In his appeal to the county court at law, appellant contended the municipal court did not have subject-matter jurisdiction, and the trial judge violated

appellant's due process rights by holding appellant in contempt and refusing to disqualify himself. The county court at law affirmed the municipal court conviction.

Article 4.03 of the Texas Code of Criminal Procedure grants the court of appeals appellate jurisdiction notwithstanding the amount of the fine in a municipal appeal if the sole issue is the constitutionality of the statute or ordinance on which the conviction is based. Appellant has not raised an issue in which he challenges the constitutionality of the statute or ordinance on which his conviction is based. Therefore, this court lacks jurisdiction because the monetary fine does not exceed \$100. *See* Tex. Code Crim. Proc. Ann. art. 4.03 (West 2015); *Boyd v. State*, 11 S.W.3d 324, 325 (Tex. App.—Houston [14th Dist.] 1999, no pet.).

Accordingly, the appeal is dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Donovan.

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