



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-12-00666-CR

Reynaldo Roberto **ESPARZA** a/k/a "El Peine,"  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 341st Judicial District Court, Webb County, Texas  
Trial Court No. 2005-CRN-166-D3  
Honorable Elma T. Salinas Ender, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Sandee Bryan Marion, Justice

Delivered and Filed: December 5, 2012

DISMISSED FOR LACK OF JURISDICTION

On October 12, 2012, appellant filed a notice of appeal in trial court cause number 2005CRN000166-D3. This court, however, previously affirmed appellant's conviction in that trial court cause number. *See Esparza v. State*, No. 04-08-00039-CR, 2009 WL 89697 (Tex. App.—San Antonio Jan. 14, 2009, no pet.). Although the Texas Court of Criminal Appeals granted appellant's post-conviction application for writ of habeas corpus, the relief granted only permitted appellant to file an out-of-time petition for discretionary review of this court's judgment in our cause number 04-08-00039-CR. *See Ex parte Esparza*, No. AP-76839, 2012

WL 3996425 (Tex. Crim. App. Sept. 12, 2012). The Court did not grant appellant permission to file a new appeal. *See id.*

On October 24, 2012, this court ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. On November 21, 2012, appellant's attorney filed a letter stating appellant does not intend to file a response to this court's order. Therefore, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH