



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-17-00179-CR

EMILIO SAUCEDA RAMOS

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 372ND DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 1469249D

MEMORANDUM OPINION¹

Emilio Saucedo Ramos attempts to appeal from a plea in bar, that is, his admission of an unadjudicated offense under penal code section 12.45. See Tex. Penal Code Ann. § 12.45 (West 2011).² Generally, with exceptions inapplicable

¹See Tex. R. App. P. 47.4.

²Section 12.45 provides that during a sentencing hearing and with the State's consent, a defendant may admit his guilt of an unadjudicated offense and request that the court take the offense into account in determining the sentence

here, this court has jurisdiction to consider appeals by criminal defendants only after a final judgment of conviction. See *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.). An order granting a plea in bar is not a judgment of conviction. See *Hilburn v. State*, 946 S.W.2d 885, 886 (Tex. App.—Fort Worth 1997, no pet.); see also *Bradley v. State*, Nos. 02-14-00218-CR, 02-14-00219-CR, 02-14-00220-CR, 2014 WL 3029220, at *1 (Tex. App.—Fort Worth July 3, 2014, no pet.) (mem. op., not designated for publication).

On June 14, 2017, we notified Ramos of our concern that we lack jurisdiction over this appeal and stated that the appeal could be dismissed unless he or any party desiring to continue the appeal filed a response on or before June 26, 2017, showing grounds for continuing the appeal. See Tex. R. App. P. 43.2(f). We have not received a response.

We dismiss this appeal for want of jurisdiction.³ See *id.*; *Hilburn*, 946 S.W.2d at 886 (holding that appellate court lacks jurisdiction over appeal from judgment granting a plea in bar under section 12.45).

for the offense of which he has been adjudged guilty. Tex. Penal Code Ann. § 12.45(a). If the trial court lawfully takes into account an admitted offense under section 12.45, prosecution for that offense is barred. *Id.* § 12.45(c).

³Ramos's appeals in cause numbers 02-17-00163-CR and 02-17-00164-CR remain pending in this court.

PER CURIAM

PANEL: KERR, J.; LIVINGSTON, C.J.; and PITTMAN, J.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 10, 2017