



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

NO. 02-17-00209-CR

GABRIEL OSSY ISAAC

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM COUNTY CRIMINAL COURT NO. 4 OF DENTON COUNTY
TRIAL COURT NO. CA-2014-00004-CCA

MEMORANDUM OPINION¹

On October 23, 2014, the municipal court of record signed a judgment on a jury's verdict convicting Appellant Gabriel Ossy Isaac of running a red light and assessing him a fine of \$200 plus court costs of \$104.10. Isaac attempted to appeal the judgment to the county criminal court, but on February 9, 2015, the county criminal court vacated the appeal, finding "that the appeal process ha[d]

¹See Tex. R. App. P. 47.4.

not been properly perfected” because Isaac had failed to file a motion for new trial, to file an appeal bond, and to obtain a copy of the reporter’s record. On February 12, 2015, the county criminal court signed an order remanding the cause to the municipal court of record “for imposition and execution of judgment.” On June 6, 2017, the county criminal court signed an order again stating that Isaac had not met the requirements for an appeal and ordering the municipal court to enforce the original judgment.

Isaac attempts to appeal the June 6, 2017 order. On July 12, 2017, we notified him that the June 6, 2017 order does not appear to be a judgment or other appealable order and that unless he or any party desiring to continue the appeal filed with the court a response showing grounds for continuing the appeal, this appeal could be dismissed for want of jurisdiction. See Tex. R. App. P. 25.2(a)(2); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App.—Fort Worth 1996, no pet.) (“Generally, we only have jurisdiction to consider an appeal by a criminal defendant where there has been a judgment of conviction.”). Isaac filed a response, but it does not show grounds for continuing the appeal.

Notwithstanding any question of whether the county criminal court retained plenary jurisdiction to sign the June 6, 2017 order over two years after it signed the February 12, 2015 order remanding the cause to the municipal court of record, a party in Isaac’s position may appeal a judgment from the county criminal court to this court 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). Because the county criminal court did not sign a judgment affirming Isaac’s conviction—it signed an order vacating his appeal—and because Isaac does not merely challenge the constitutionality of a statute or ordinance, we lack jurisdiction over this appeal. See *id.*; *Schatz v. State*, 471 S.W.3d 928, 929 (Tex. App.—Fort Worth 2015, no pet.). Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: MEIER, GABRIEL, and SUDDERTH, JJ.

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

DELIVERED: August 17, 2017