



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00433-CR
No. 07-15-00434-CR
No. 07-15-00435-CR
No. 07-15-00436-CR
No. 07-15-00437-CR

JOSEPH WENDELL HUME, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 181st District Court
Randall County, Texas
Trial Court Nos. 19597-B, 19600-B, 19601-B, 19611-B, 19619-B;
Honorable John B. Board, Presiding

January 13, 2016

MEMORANDUM OPINION

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

On May 22, 2008, appellant, Joseph Wendell Hume, pled guilty to three counts of aggravated sexual assault and five counts of aggravated robbery. The trial court judge sentenced appellant to five consecutive terms of life imprisonment. On November 24,

2009, this Court affirmed the convictions.¹ Accordingly, the convictions became final, and appellant is not entitled to a second appeal from these convictions.

On December 1, 2015, appellant filed a single notice of appeal in each of the five original trial court causes. The notice of appeal states that appellant seeks to appeal the trial court's refusal or failure to rule on appellant's "petition for bill of review" filed on July 6, 2015. By letter dated December 8, 2015, the Court ordered appellant to show why the Court has jurisdiction over the appeals. Appellant has responded to the Court's inquiry and we now dismiss the purported appeals for want of jurisdiction.

This Court has jurisdiction over a criminal defendant's appeal only when it arises from a final judgment of conviction or an appealable order. See *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008); see also TEX. R. APP. P. 25.2(a)(2) (providing that a criminal defendant has the right to appeal a judgment of guilt or other appealable order). In his notice of appeal, appellant states that the trial court has not ruled on the petition for bill of review. Therefore, there is no final judgment of conviction or appealable order for appellant to appeal.

Further, even if the trial court had denied appellant's bill of review, this Court would not have jurisdiction to hear the appeal of such an order. See *Morgan v. Klein*, No. 07-12-0430-CV, 2012 Tex. App. LEXIS 9966, at *2-3 (Tex. App.—Amarillo Nov. 29, 2012, no pet.) (mem. op). A bill of review is an equitable proceeding and an independent cause of action to set aside a civil judgment that is no longer appealable or

¹ See *Hume v. State*, Nos. 07-08-00233-CR, 07-08-00234-CR, 07-08-00235-CR, 07-08-00236-CR, 07-08-237-CR, 2009 Tex. App. LEXIS 9134 (Tex. App.—Amarillo Nov. 24, 2009, no pet) (mem. op., not designated for publication).

subject to challenge. See *Wembley Inv. Co. v. Herrera*, 11 S.W.3d 924, 926-27 (Tex. 1999). It has no application in a criminal proceeding, and is not a proper procedure for challenging a criminal conviction. See *Morgan*, 2012 Tex. App. LEXIS 9966, at *2.

Consequently, this proceeding is dismissed for want of jurisdiction.

Mackey K. Hancock
Justice

Do not publish.