

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00766-CR
NO. 03-16-00767-CR

Martin Gomez, Jr., Appellant

v.

The State of Texas, Appellee

FROM THE MUNICIPAL COURT OF RECORD OF HAYS COUNTY
NOS. 2014004446 & 2014004447, HONORABLE JOHN P. BURKE, JR., JUDGE PRESIDING

MEMORANDUM OPINION

Appellant Martin Gomez, Jr., filed a “motion to appeal” complaining of the denial of his motion for speedy trial following his being ticketed for driving with an invalid license and possession of drug paraphernalia. When we asked for more information about the judgments or orders from which he was seeking to appeal, Gomez provided a copy of a letter from the Hays County Municipal Court of Record stating that Gomez’s motion had been overruled and that Gomez owed \$789.20.¹ The letter references two numbers that appear to be citation numbers, one for driving with an invalid license and one for possession of drug paraphernalia. Those numbers match the “cause numbers” listed on Gomez’s motion to appeal.

¹ The Hays County letter does not specify what motion was overruled, but it appears to have been Gomez’s motion for speedy trial. Gomez also provided documents related to other citations out of Caldwell County, but all of those matters appear to have been closed. Further, Gomez’s “motion to appeal” complained only of the denial of his motion for speedy trial in Hays County. The documents out of Caldwell County appear to be unrelated to the matter Gomez seeks to appeal.

It appears that Gomez is attempting to appeal from the municipal court’s denial of his motion for a speedy trial. However, an appeal from municipal court is to the county court, not to this Court. *See* Tex. Code Crim. Proc. art. 45.042(a) (appeal from municipal court is to county court); Tex. Gov’t Code § 30.00014(a) (defendant has right to appeal from judgment or conviction in municipal court of record; county criminal court, county criminal court of appeals, or county court at law has jurisdiction over such appeal); Tex. Gov’t Code § 30.00027(a) (defendant may appeal to court of appeals if fine assessed exceeds \$100 and county court affirmed judgment or if defendant contests constitutionality of statute or ordinance on which conviction is based). We are without jurisdiction to consider an appeal directly from a municipal court. *See Richardson v. State*, No. 05-16-01301-CV, 2017 WL 511217, *1 (Tex. App.—Dallas Feb. 8, 2017, no pet. h.) (mem. op.) (“This Court has no jurisdiction over appeals directly from a municipal court.”); *Rivas v. State*, No. 02-16-00114-CR, 2016 WL 2766148, *1 (Tex. App.—Fort Worth May 12, 2016, no pet.) (mem. op., not designated for publication) (dismissing appeal from municipal court, explaining that “Tarrant County criminal courts have jurisdiction of appeals from” municipal court of record). We therefore dismiss these appeals for want of jurisdiction.

David Puryear, Justice

Before Justices Puryear, Pemberton, and Goodwin

Dismissed for Want of Jurisdiction

Filed: February 24, 2017

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