

NO. 12-09-00131-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE: ROBERT JAMES FOX,
RELATOR*

§

§ *ORIGINAL PROCEEDING*

§

*MEMORANDUM OPINION
PER CURIAM*

Robert James Fox has filed an “Emergency Petition for Declaratory Judgment” requesting this court to “promptly hear and adjudicate” the charge against him for allegedly tampering with a government record in violation of Texas Penal Code section 37.10.

The jurisdiction of the courts of appeals is constitutionally and legislatively created. *See* TEX. CONST. art. V, § 6(a); TEX. GOV’T CODE ANN. § 22.201(m) (Vernon Supp. 2008); TEX. CODE CRIM. PROC. ANN. arts. 4.01, 4.03 (Vernon 2005). This jurisdiction, insofar as it relates to the merits of criminal cases, is appellate only. *See* TEX. CODE CRIM. PROC. ANN. art. 4.03. The exercise of this jurisdiction involves reviewing judgments of lower courts. *See Carter v. State*, 656 S.W.2d 468, 469 (Tex. Crim. App. 1983). The entry of a declaratory judgment does not involve review of a lower court’s judgment, and no constitutional or statutory provision authorizes courts of appeals to enter such a judgment. Therefore, we are without jurisdiction to grant the requested relief. Accordingly, Fox’s Emergency Petition for Declaratory Judgment is *dismissed*.

Opinion delivered June 17, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)