

**NOS. 12-11-00332-CR
12-11-00333-CR
12-11-00334-CR**

**IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS**

***CRAIG STEPHEN BROWN,
APPELLANT***

§ ***APPEAL FROM THE 420TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***NACOGDOCHES COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant Craig Stephen Brown pleaded guilty in three separate cases to assault with a deadly weapon, cruelty to an animal, and possession of a firearm. Sentence was assessed in each case on April 24, 2008. On August 5, 2011, Appellant filed a motion for new trial in each of the three trial court cause numbers. He now attempts to appeal “from the trial court’s denial of Motion For New Trial rendered against [Appellant].”

As a general rule, an appeal in a criminal case may be taken only from a judgment of conviction. See *Workman v. State*, 170 Tex. Crim. 621, 622, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961). However, there are certain narrow exceptions. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.–Dallas 1998, no pet.) (listing exceptions). The order Appellant complains of is not a judgment of conviction nor does it fall within any exception to the general rule. Therefore, we have no jurisdiction over the appeals.

On October 26, 2011, this court notified Appellant that the information received in these appeals does not include a final judgment or other appealable order and therefore does not show

the jurisdiction of this court. *See* TEX. R. APP. P. 37.2. Appellant was further notified that the appeals would be dismissed unless the information was amended on or before November 28, 2011, to show the jurisdiction of this court. *See* TEX. R. APP. P. 44.3. On November 7, 2011, Appellant filed a motion requesting that this court amend his notice of appeal to state that he desires to appeal the judgment of conviction and sentence in each case.

In a criminal case, when, as here, there is no timely filed motion for new trial, the notice of appeal must be filed within thirty days after the day sentence is imposed. TEX. R. APP. P. 26.2(a)(1). Therefore, if Appellant desired to appeal the judgments of conviction and sentence, he was required to file his notice of appeal not later than May 26, 2008. However, he did not file a notice of appeal from the judgments of conviction and sentence. Moreover, we are unaware of any authority that allows Appellant to amend his notice of appeal in these appeals, more than three years past the original filing deadline, to retroactively confer jurisdiction on this court. *See Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998) (stating that only a timely notice of appeal will invoke the jurisdiction of a court of appeals).

Because Appellant has not shown the jurisdiction of this court, his motion to amend his notice of appeal is overruled, and the appeals are *dismissed for want of jurisdiction*. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered November 16, 2011.

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

(DO NOT PUBLISH)