

NO. 12-12-00057-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

TIMOTHY B. CHOICE,
APPELLANT

§

APPEAL FROM THE 7TH

V.

§

JUDICIAL DISTRICT COURT

THE STATE OF TEXAS,
APPELLEE

§

SMITH COUNTY, TEXAS

MEMORANDUM OPINION
PER CURIAM

Appellant, Timothy B. Choice, attempts to appeal from an order denying his postconviction “Motion For Intra Loan For Statement of Facts and Transcription.” By this motion, Appellant seeks access to his trial records through a program operated by the Texas Department of Criminal Justice–Institutional Division.

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 appeal.

On February 2, 2012, this court notified Appellant that the information received in this appeal 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 appeal would be dismissed unless the information was amended on or before March 5, 2012, to show the jurisdiction of this court. *See* TEX. R. APP. P. 44 .3. Appellant responded to the February 2, 2012

notice, but did not establish that this court has jurisdiction of the appeal. Accordingly, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered February 29, 2012.

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

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

FEBRUARY 29, 2012

NO. 12-12-00057-CR

TIMOTHY B. CHOICE,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 7th Judicial District Court
of Smith County, Texas. (Tr.Ct.No. 007-0995-09)

THIS CAUSE came to be heard on the appellate record filed herein; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

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