

**NO. 12-14-00296-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***DAVID MARK DAVIS II,  
APPELLANT***

§ ***APPEAL FROM THE***

***V.***

§ ***COUNTY COURT AT LAW # 2***

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

§ ***ANGELINA COUNTY, TEXAS***

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***MEMORANDUM OPINION***

David Mark Davis II attempts to appeal his conviction for speeding, for which he was assessed a fine of seventy-five dollars. Article 4.03 of the code of criminal procedure determines our jurisdiction in this matter. It provides as follows:

The Courts of Appeals shall have appellate jurisdiction coextensive with the limits of their respective districts in all criminal cases except those in which the death penalty has been assessed. This Article shall not be so construed as to embrace any case which has been appealed from any inferior court to the county court, the county criminal court, or county court at law, in which the fine imposed or affirmed by the county court, the county criminal court or county court at law does not exceed one hundred dollars, unless the sole issue is the constitutionality of the statute or ordinance on which the conviction is based.

TEX. CODE CRIM. PROC. ANN. art. 4.03 (West Supp. 2014). Appellant appealed from a municipal court to a county court at law. The county court at law imposed a fine that does not exceed one hundred dollars. Appellant does not complain that the statute on which his conviction was based is unconstitutional. Therefore, we have no jurisdiction over this appeal.

Accordingly, we *dismiss* the appeal *for want of jurisdiction*.<sup>1</sup>

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<sup>1</sup> Neither party raised the jurisdictional issue in its brief. However, we are required to address a lack of jurisdiction sua sponte if the parties do not raise the issue. *Solis v. State*, 890 S.W.2d 518, 520 (Tex. App.—Dallas 1994, no pet.).

**JAMES T. WORTHEN**  
Chief Justice

Opinion delivered May 29, 2015.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MAY 29, 2015

NO. 12-14-00296-CR

**DAVID MARK DAVIS II,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the County Court at Law No 2  
of Angelina County, Texas (Tr.Ct.No. 14-1048)

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THIS CAUSE came to be heard on the appellate record; 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.

James T. Worthen, Chief Justice.  
*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*