

NO. 12-15-00276-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JOHN JACOB PRESLEY,
APPELLANT

§ ***APPEAL FROM THE 420TH***

V.

§ ***JUDICIAL DISTRICT COURT***

THE STATE OF TEXAS,
APPELLEE

§ ***NACOGDOCHES COUNTY, TEXAS***

MEMORANDUM OPINION
PER CURIAM

Appellant John Jacob Presley was convicted of murder, sentenced to life imprisonment, and fined \$10,000.00. This court affirmed his conviction. *See Presley v. State*, No. 12-11-00021-CR (Tex. App.—Tyler Feb. 29, 2012, no pet.) (mem. op., not designated for publication). On November 9, 2015, Appellant filed a notice of appeal from the trial court’s October 20, 2015 order denying Appellant’s postconviction motion for appointment of counsel and motion for leave to conduct discovery.

As a general rule, an appeal in a criminal case may be taken only from a judgment of conviction. *See Workman v. State*, 343 S.W.2d 446, 447 (Tex. Crim. App. 1961). However, there are certain narrow exceptions to this rule. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.) (listing exceptions). The order Appellant attempts to appeal here is not a final judgment of conviction. And no exception to the general rule stated in *Workman* applies. Therefore, we have no jurisdiction over the appeal.

On November 10, 2015, this court notified Appellant, pursuant to Texas Rule of Appellate Procedure 37.2, that the information received in this appeal does not contain a final judgment or other appealable order. Appellant was further informed that the appeal would be dismissed if the information received in the appeal was not amended on or before December 10, 2015, to show the jurisdiction of this court. This deadline has now passed, and Appellant has

neither shown the jurisdiction of this court nor otherwise responded to its November 10, 2015 notice.

Because Appellant has not shown the jurisdiction of this court, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 37.1, 42.3.

Opinion delivered December 16, 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(DO NOT PUBLISH)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

DECEMBER 16, 2015

NO. 12-15-00276-CR

JOHN JACOB PRESLEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 420th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F1017393)

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.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.