

NO. 12-16-00274-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***TIMOTHY JOHNSON,
APPELLANT***

§ ***APPEAL FROM THE 114TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Timothy Johnson, attempts to appeal from an order denying his motion for appointment of counsel. As a general rule, an appeal in a criminal case may be taken only from a judgment of conviction. See *State v. Sellers*, 790 S.W.2d 316, 321 n.4. (Tex. Crim. App. 1990); see also *Workman v. State*, 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 September 27, 2016, 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 October 27, 2016, to show the jurisdiction of this court. See TEX. R. APP. P. 44.3. This deadline has now passed, and Appellant has neither shown the jurisdiction of this court nor otherwise responded to its September 27, 2016 notice. Accordingly, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered October 31, 2016.

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(DO NOT PUBLISH)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

OCTOBER 31, 2016

NO. 12-16-00274-CR

TIMOTHY JOHNSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-2867-06)

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.