

**NOS. 12-17-00146-CR
12-17-00147-CR
12-17-00148-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***TRACY RAY GIBSON,
APPELLANT***

§ ***APPEALS FROM THE 145TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***NACOGDOCHES COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

In 2007, Tracy Ray Gibson pleaded guilty to aggravated robbery, possession of a firearm by a felon, and theft. *See Gibson v. State*, Nos. 12-12-00403-CR, 12-12-00404-CR, 12-12-00405-CR, 2012 WL 6030752 (Tex. App.—Tyler Dec. 5, 2012, no pet.) (mem. op., not designated for publication). He appealed the convictions, but because the appeals were untimely, this Court dismissed for want of jurisdiction. *See id.* The court of criminal appeals subsequently granted Appellant’s application for writ of habeas corpus. *See Ex parte Gibson*, No. WR-68,962-01, 2016 WL 8715906 (Tex. Crim. App. Jan. 13, 2016) (not designated for publication).

Thereafter, Appellant reached a new plea agreement and the trial court imposed sentence on April 5, 2016. Appellant untimely appealed; thus, this Court again dismissed the appeals for want of jurisdiction in October 2016. *See Gibson v. State*, Nos. 12-16-00267-CR, 12-16-00268-CR, 12-16-00269-CR, 2016 WL 5930157 (Tex. App.—Tyler Oct. 12, 2016, pet. ref’d) (mem. op., not designated for publication). Our mandate issued on March 13, 2017, after which Appellant again filed a notice of appeal in all three trial court cause numbers.

On May 12, 2017, this Court notified Appellant that his notice of appeal in the three cases failed to show the jurisdiction of this Court, i.e., there is no new final judgment or appealable

order contained therein. *See* TEX. R. APP. P. 19.1, 26.2(a)(1), 51.2. We further notified Appellant that the appeals would be dismissed unless the information was amended on or before June 12 to show the jurisdiction of this Court. On May 22, Appellant responded that (1) the court of criminal appeals granted him a new trial in January 2016, (2) he reached a new plea agreement, and (3) he is entitled to appeal from the 2016 judgment.

Appellant has already appealed from the 2016 judgment and, as previously stated, we dismissed for want of jurisdiction because the appeals were untimely filed. *See Gibson*, 2016 WL 5930157. Appellant's notice of appeal indicates his belief that his conviction was not final until our mandate issued on March 13, 2017. However, the rules of appellate procedure required Appellant to file his notice of appeal within thirty days after sentence is imposed or within ninety days after that date if a motion for new trial is filed. *See* TEX. R. APP. P. 26.2(a). This he did not do. *See id.*; *see also Gibson*, 2016 WL 5930157. Once this Court's mandate issued and was received by the trial court clerk, it must be enforced. *See* TEX. R. APP. P. 51.2. Further review rests with the court of criminal appeals. *See* TEX. R. APP. P. 68.1; *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). Accordingly, we *dismiss* these appeals for *want of jurisdiction*.

Opinion delivered May 31, 2017.

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 31, 2017

NO. 12-17-00146-CR

TRACY RAY GIBSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F14962-2007)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this 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.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 31, 2017

NO. 12-17-00147-CR

TRACY RAY GIBSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F14963-2007)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this 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.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 31, 2017

NO. 12-17-00148-CR

TRACY RAY GIBSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F14964-2007)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this 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.