

NO. 12-18-00002-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BRETT MARSHALL FOUNTAIN,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT***

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

§ ***UPSHUR COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Brett Marshall Fountain appeals from his conviction for driving while license invalid. Sentence was imposed on September 29, 2017. Under the rules of appellate procedure, the notice of appeal must be filed within thirty days after the trial court enters an appealable order. *See* TEX. R. APP. P. 26.2(a)(1). Appellant did not file a motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). Therefore, Appellant's notice of appeal was due to have been filed no later than October 30, 2017. Appellant filed his notice of appeal on January 2, 2018.

On January 3, this Court notified Appellant that the information received in this appeal does not show the jurisdiction of this Court, i.e., there was no timely filed notice of appeal or motion for extension of time to file a notice of appeal. *See* TEX. R. APP. P. 26.2, 26.3. We further notified Appellant that the appeal would be dismissed unless the information was amended on or before January 15 to show the Court's jurisdiction. This deadline has now passed, and Appellant has neither shown the jurisdiction of this Court nor otherwise responded to its January 3 notice. Accordingly, the appeal is ***dismissed for want of jurisdiction***. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered January 18, 2018.

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(DO NOT PUBLISH)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

JANUARY 18, 2018

NO. 12-18-00002-CR

BRETT MARSHALL FOUNTAIN,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the County Court
of Upshur County, Texas (Tr.Ct.No. 38,661)

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