

NO. 12-19-00406-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***HOWARD MARK HUFFMAN,
APPELLANT***

§ ***APPEAL FROM THE 3RD***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***ANDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Howard Mark Huffman, acting pro se, filed a notice of appeal on December 9, 2019. The notice states, “I want to open the following cause number on appeal, the number being: 30043.” The record indicates that Appellant was convicted of aggravated kidnapping and aggravated sexual assault, and sentence was imposed on October 28, 2011. He subsequently filed a pro se motion to obtain trial documents in forma pauperis and the trial court granted the motion on August 28, 2019. The record does not otherwise indicate the existence of a new final judgment or other appealable order.

Accordingly, on December 10, the Clerk of this Court notified Appellant that the notice of appeal failed to show the jurisdiction of this Court, i.e., there is no final judgment or appealable order contained therewith. The notice informed Appellant that the appeal would be dismissed unless the information was amended on or before January 9, 2020, to show the jurisdiction of this Court. This deadline expired without an amended notice of appeal or other response from Appellant.

To the extent Appellant attempts to appeal from his convictions, we note that Appellant previously appealed and this Court affirmed Appellant's convictions.¹ See *Huffman v. State*, No. 12-12-00021-CR, 2013 WL 6797775 (Tex. App.—Tyler Dec. 20, 2013, pet. dismiss'd) (mem. op., not designated for publication). Our mandate issued on April 14, 2014 and Appellant's convictions are final. He is not entitled to a second appeal of those same convictions. See *Confer v. State*, No. 03-19-00043-CR, 2019 WL 908289, at *1 (Tex. App.—Austin Feb. 22, 2019, pet. ref'd) (mem. op., not designated for publication). Only the Texas Court of Criminal Appeals possesses jurisdiction in final post-conviction felony proceedings. See *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). And to the extent Appellant attempts to present a complaint regarding his motion to obtain trial documents, the trial court granted that motion. See *Monakino v. State*, No. 01-14-00361-CR, 2017 WL 6523919, at *2 (Tex. App.—Houston [1st Dist.] Dec. 21, 2017, no pet.) (mem. op., not designated for publication) (appeal became moot once appellant received all relief sought in appeal). Accordingly, for these reasons, we *dismiss* Appellant's appeal for *want of jurisdiction*.

Opinion delivered January 15, 2020.

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

(DO NOT PUBLISH)

¹ The court of criminal appeals dismissed Appellant's petition for discretionary review as untimely filed. See *Huffman v. State*, PD-0140-14 (Tex. Crim. App. Feb. 26, 2014) (order).



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JANUARY 15, 2020

NO. 12-19-00406-CR

HOWARD MARK HUFFMAN,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 30043)

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.