

**NOS. 12-22-00170-CR  
12-22-00171-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***WOODROW FONTAINE HIGH,  
APPELLANT***

**§ *APPEALS FROM THE 7TH***

***V.***

**§ *JUDICIAL DISTRICT COURT***

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

**§ *SMITH COUNTY, TEXAS***

---

***MEMORANDUM OPINION  
PER CURIAM***

Woodrow Fontaine High, acting pro se, filed notices of appeal in trial court cause numbers 007-0217-21 and 007-1870-21. On May 5, 2022, the trial court signed an order of dismissal in both cases. According to the State’s motions to dismiss, Appellant acknowledged guilt for possession of a controlled substance (trial court cause number 007-0217-21) and manufacture/delivery of a controlled substance (trial court cause number 007-1870-21), both of which were considered in the final adjudication of manufacture/delivery of a controlled substance in trial court cause number 007-1756-21.<sup>1</sup>

On June 21, the Clerk of this Court notified Appellant that the record failed to show this Court’s jurisdiction, i.e., there is no final judgment or appealable order contained therein. The notice further informed Appellant that the appeal would be dismissed unless the notice of appeal was amended on or before July 21 to show this Court’s jurisdiction. Appellant did not respond to this Court’s notice.

---

<sup>1</sup> “A person may, with the consent of the attorney for the state, admit during the sentencing hearing his guilt of one or more unadjudicated offenses and request the court to take each into account in determining sentence for the offense or offenses of which he stands adjudged guilty.” TEX. PENAL CODE ANN. § 12.45(a) (West 2019). “If a court lawfully takes into account an admitted offense, prosecution is barred for that offense.” *Id.* § 12.45(c).

In criminal cases, an appellate court has jurisdiction only from a final judgment of conviction or where expressly granted by law. See *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008) (standard for determining jurisdiction is not whether appeal is precluded by law but whether appeal is authorized by law); see also *Young v. State*, No. 12-06-00189-CR, 2006 WL 1699585, at \*1 (Tex. App.—Tyler June 21, 2006, no pet.) (mem. op. not designation for publication); *McIntosh v. State*, 110 S.W.3d 51, 52 (Tex. App.—Waco 2002, no pet.). Because the underlying cases have been dismissed, there is no conviction and sentence to challenge on appeal. See *Hinojosa v. State*, No. 12-21-00210-CR, 2022 WL 400830, at \*1 (Tex. App.—Tyler Feb. 9, 2022, no pet.) (mem. op., not designated for publication) (per curiam). And an order granting the State’s motion to dismiss is not a separately appealable order. See *id.*; see also *Flores v. State*, No. 01-20-00243-CR, 2020 WL 2988564, at \*3 (Tex. App.—Houston [1st Dist.] June 4, 2020, pet. ref’d) (mem. op., not designated for publication) (per curiam); *Small v. State*, No. 14-14-00653-CR, 2014 WL 4384685, at \*1 (Tex. App.—Houston [14th Dist.] Sept. 4, 2014, no pet.) (mem. op., not designated for publication) (per curiam). Accordingly, we **dismiss** the appeals for **want of jurisdiction**.

Opinion delivered July 29, 2022.

*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

JULY 29, 2022

NO. 12-22-00170-CR

**WOODROW FONTAINE HIGH,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

---

Appeal from the 7th District Court

of Smith County, Texas (Tr.Ct.No. 007-0217-21)

---

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.*



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JULY 29, 2022

NO. 12-22-00171-CR

**WOODROW FONTAINE HIGH,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

---

Appeal from the 7th District Court  
of Smith County, Texas (Tr.Ct.No. 007-1870-21)

---

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.*