Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio

MEMORANDUM OPINION

No. 04-11-00069-CR

David Cepeda **JONES**,
Appellant

v.

The **STATE** of Texas,
Appellee

Trial Court No. CM002974

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 9, 2011

DISMISSED FOR LACK OF JURISDICTION

Appellant's notice of appeal states his intention to appeal; however, the notice of appeal further notes that he was not sentenced or convicted in the underlying cause. The notice of appeal further notes that the case was rejected. The trial court clerk's Certificate of Notice of Appeal also states, "case closed since 07-01-2005 rejected further investigation."

Absent a few statutory exceptions that are inapplicable to this appeal, a criminal defendant may only appeal from a final judgment of conviction. *See State v. Sellers*, 790 S.W.2d

316, 321 n. 4 (Tex. Crim. App. 1990); *Ahmad v. State*, 158 S.W.3d 525, 526 (Tex. App.—Fort Worth 2004, pet. ref'd). Accordingly, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH