

COURT OF APPEALS FOR THE TWELFTH DISTRICT OF TEXAS

David Mark Davis II v. State

No. 12-14-00296-CR, Court of Appeals for the Twelfth District of Texas (August 14, 2015)

SUMMARY

This mandate records the Texas Twelfth Court of Appeals' dismissal of David Mark Davis II's appeal for want of jurisdiction. It directs the County Court at Law No. 2 of Angelina County to observe and execute the appellate court's order.

CASE DETAILS

COURT	Court of Appeals for the Twelfth District of Texas
WRITING FOR THE COURT	James T. Worthen, Chief Justice
JURISDICTION	Texas
DECIDED	August 14, 2015
DOCKET	12-14-00296-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the County Court at Law No. 2 of Angelina County dismissed for want of appellate jurisdiction.
PRECEDENTIAL VALUE	published
PARTIES	David Mark Davis II v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure

QUESTIONS PRESENTED

- Whether the Court of Appeals had jurisdiction over the appeal.

HOLDINGS

- The Court of Appeals lacked jurisdiction over the appeal, requiring dismissal for want of jurisdiction.

KEY QUOTATIONS

“this court is without jurisdiction of the appeal, and that the appeal should be dismissed.”

FACTUAL BACKGROUND

The mandate identifies an appeal from a judgment in the County Court at Law No. 2 of Angelina County. The appellate court considered the appellate record and determined that it lacked jurisdiction over the appeal.

PROCEDURAL HISTORY

David Mark Davis II appealed from the County Court at Law No. 2 of Angelina County in trial court cause number 14-1048. The Court of Appeals, upon consideration of the appellate record, determined that it lacked jurisdiction and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

THE STATE OF TEXAS MANDATE ***** TO
THE COUNTY COURT AT LAW NO. 2 OF ANGELINA COUNTY, GREETING: Before our Court of Appeals for the 12th Court of Appeals District of Texas, on the 29th day of May, 2015, the cause upon appeal to revise or reverse your judgment between DAVID MARK DAVIS II, Appellant NO. 12-14-00296-CR; Trial Court No. 14-1048 Opinion by James T. Worthen, Chief Justice.

THE STATE OF TEXAS, Appellee was determined; and therein our said Court made its order in these words: “THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court 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.” WHEREAS, WE COMMAND YOU to observe the order of our said Court of Appeals for the Twelfth Court of Appeals District of Texas in this behalf, and in all things have it duly recognized, obeyed, and executed.

WITNESS, THE HONORABLE JAMES T. WORTHEN, Chief Justice of our Court of Appeals for the Twelfth Court of Appeals District, with the Seal thereof affixed, at the City of Tyler, this the 14th day of August, 2015. CATHY S. LUSK, CLERK By: _____
Chief Deputy Clerk

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-court-of-appeals-for-the-twelfth-district-of-texas/2015/david-mark-davis-ii-v-state-ytx7f7gn>