Fourth Court of Appeals
San Antonio, Texas

August 15, 2014

No. 04-12-00735-CR and 04-12-00736-CR

Albert **NICHOLAS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 198th Judicial District Court, Kerr County, Texas
Trial Court No. B93-6 and B93-7
Honorable Rex Emerson, Judge Presiding

O R D E R

Sitting: Sandee Bryan Marion, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

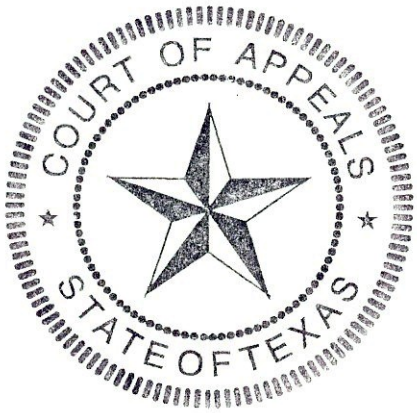
On December 11, 2013, this court issued an opinion in these two appeals, dismissing the appeals for lack of jurisdiction. Following extensions of time in which to file a motion for rehearing, we denied appellant's pro se motion for rehearing on December 30, 2013. Following extensions of time in which to file a petition for discretionary review with the Court of Criminal Appeals, that Court dismissed appellant's pro se petition "as untimely filed" on June 18, 2014. Our mandate in both appeals thereafter issued on July 23, 2014.

On August 1, 2014, appellant filed a pro se motion asking us to recall our mandate in both appeals because appellant contends he wishes to file a petition for writ of certiorari in the United States Supreme Court to resolve a "prison mailbox rule" issue.

We DENY the motion to recall our mandates. *See Ex parte Webb*, 270 S.W.3d 108, 111 (Tex. Crim. App. 2008) (court of appeals not required to recall its mandate or have its clerk issue a new mandate once Court of Criminal Appeals refused inmate's untimely PDR).

Sandee Bryan Marion
Sandee Bryan Marion, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 15th day of August, 2014.



Keith E. Hottle
Clerk of Court