Opinion filed December 13, 2018

In The

Eleventh Court of Appeals

No. 11-18-00307-CR

EX PARTE CHRISTOPHER BENNETT WOOTEN

On Appeal from the County Court
Howard County, Texas
Trial Court Cause No. 31429

M E M O R A N D U M O P I N I O N

Christopher Bennett Wooten, Appellant, has filed an untimely notice of appeal from an order denying his application for writ of habeas corpus. We dismiss the appeal.

The documents on file in this case indicate that the order was entered on August 27, 2018, and that the notice of appeal was filed in the district clerk's office on November 7, 2018. When the appeal was filed in this court, we notified Appellant by letter that the notice of appeal appeared to be untimely and that the appeal may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Appellant has filed a response in which he

urges, among other things, that he did not receive notice of the trial court's August 27 order until October 25, well after the due date for his notice of appeal. Based upon the documentation attached to Appellant's response, we do not doubt that he did not receive notice of the trial court's order until after the notice of appeal was past due. We are nonetheless unable to proceed with this appeal.

Pursuant to the Texas Rules of Appellate Procedure, a notice of appeal is due within thirty days after the trial court "enters an appealable order." TEX. R. APP. P. 26.2(a)(1). The notice of appeal must be in writing and filed with the clerk of the trial court. TEX. R. APP. P. 25.2(c)(1). The documents on file in this court reflect that Appellant's notice of appeal was filed seventy-two days after the trial court entered the order from which Appellant attempts to appeal. The notice of appeal was, therefore, untimely. Absent a timely filed notice of appeal or the granting of a timely motion for extension of time, we do not have jurisdiction to entertain this appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993).

We dismiss this appeal for want of jurisdiction.

PER CURIAM

December 13, 2018

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,
Willson, J., and Wright, S.C.J.[1]

Willson, J., not participating.

[1]Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.