IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-1412-18

EX PARTE CHRISTOPHER BENNET WOOTEN, Appellant

ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW FROM THE ELEVENTH COURT OF APPEALS HOWARD COUNTY

***Per curiam*.**

O R D E R

The Court of Appeals dismissed Appellant's appeal of the trial court's denial of his application for writ of habeas corpus filed under Article 11.072 of the Texas Code of Criminal Procedure. *Ex parte Wooten*, No. 11-18-00307-CR (Eastland - December 13, 2018). The Court of Appeals determined that Appellant's notice of appeal was untimely under Tex.R.App.P. 26.2(a)(1). Thus, the court did not have jurisdiction to consider the merits of the appeal. Appellant filed this petition for discretionary review arguing that he did not receive timely notice of the trial court's order denying relief. Thus, he contends

his appeal should be considered since he filed a notice of appeal timely once he received notice of the trial court's order. Appellant has included copies of various documents to support his claim. However, under the jurisdictional time limits, his notice of appeal was untimely. Rule 26.2(a)(1). Accordingly we refuse Appellant's petition for discretionary review. But Appellant may seek further recourse of this arguable due process violation by filing an application for original writ of habeas corpus in THIS COURT seeking an out-of-time appeal.

IT IS SO ORDERED THIS THE 13th DAY OF FEBRUARY, 2019.

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