



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-00182-CR

JAMES EDWARD ECHOLS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-81145-10**

MEMORANDUM OPINION

Before Justices O'Neill, Richter, and Lang-Miers
Opinion By Justice Richter

James Edward Echols was convicted of aggravated sexual assault of a child and sentenced to ninety-nine years' imprisonment. Sentence was imposed in open court on November 9, 2011. No motion for new trial was filed; therefore, appellant's notice of appeal was due by December 9, 2011. *See* TEX. R. APP. P. 26.2(a)(1). Appellant's notice of appeal was mailed on January 31, 2012 and filed in the trial court on February 2, 2012. The untimely notice of appeal leaves us without jurisdiction over the appeal.¹ *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per

¹ In its findings regarding why appellant's brief has not been filed, the trial court stated appellant was seeking an out-of-time appeal. This Court has no authority to grant an out-of-time appeal. Appellant must seek such relief via application for writ of habeas corpus filed pursuant to Texas Code of Criminal Procedure 11.07.

curiam).

We dismiss the appeal for want of jurisdiction.

MARTIN RICHTER
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JAMES EDWARD ECHOLS, Appellant

No. 05-12-00182-CR V.

THE STATE OF TEXAS, Appellee

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Appeal from the 401st Judicial District Court
of Collin County, Texas. (Tr.Ct.No. 401-
81145-10).

Opinion delivered by Justice Richter, Justices
O'Neill and Lang-Miers participating.

Judgment entered August 27, 2012.

/Martin Richter/
MARTIN RICHTER
JUSTICE