



WITHDRAWN 2-12-15

**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00378-CR

EX PARTE JOSE J. LOPEZ

**From the 85th District Court
Brazos County, Texas
Trial Court No. 10-01439-CRF-85-A**

MEMORANDUM OPINION

On December 9, 2014, appellant, Jose J. Lopez, filed his notice of appeal, challenging the trial court's denial of his application for post-conviction writ of habeas corpus under article 11.072, section 6 of the Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.072, § 6 (West Supp. 2014). The record reflects that the trial court denied appellant's habeas-corpus application on November 5, 2014. Appellant's notice of appeal is untimely, and we have no jurisdiction of an untimely appeal. *See* TEX. R. APP. P. 26.2(a)(1); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (noting that we have no appellate jurisdiction where the notice of appeal is untimely).

This appeal is therefore dismissed.¹ See TEX. R. APP. P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006) (“A court of appeals . . . must dismiss a prohibited appeal without further action, regardless of the basis for the appeal.”); *Davis v. State*, 205 S.W.3d 606, 607 (Tex. App.—Waco 2006, no pet.).

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Dismissed

Opinion delivered and filed January 15, 2015

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¹ A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. See TEX. R. APP. P. 49.1. If appellant desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed in the Court of Criminal Appeals within 30 days after either the day the court of appeals’ judgment was rendered or the day the last timely motion for rehearing was overruled by the court of appeals. See *id.* at R. 68.2(a).