



IN THE
TENTH COURT OF APPEALS

No. 10-15-00446-CR

CHRISTOPHER K. SCHMOTZER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 85th District Court
Brazos County, Texas
Trial Court No. 09-1287-CRF-85

MEMORANDUM OPINION

Christopher K. Schmotzer appeals the trial court's order denying Schmotzer's motion for DNA testing signed on August 31, 2015. Schmotzer's notice of appeal is untimely. The notice was due September 30, 2015. *See* TEX. R. APP. P. 26.2(a). The notice of appeal was filed on December 23, 2015.

This Court has no jurisdiction over an appeal where the notice of appeal is untimely. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Accordingly,

this appeal is dismissed.¹ Schmotzer's motion to suspend the rule regarding the number of copies filed is dismissed as moot.

PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Motion dismissed as moot
Opinion delivered and filed December 31, 2015
Do not publish
[CR25]



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