



IN THE
TENTH COURT OF APPEALS

No. 10-17-00220-CR

FREDERICK LOUIS PITTS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 85th District Court
Brazos County, Texas
Trial Court No. 08-03413-CRF-85

MEMORANDUM OPINION

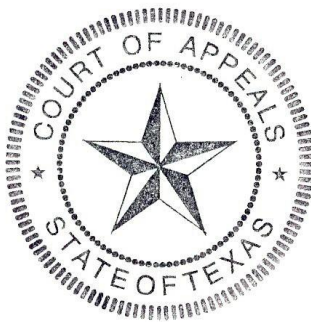
Frederick Louis Pitts was convicted of two counts of sexual assault of a child in 2012. His subsequent appeal was dismissed for want of jurisdiction because his notice of appeal was untimely. *See Pitts v. State*, No. 10-13-00271-CR, 2013 Tex. App. LEXIS 10613 (Tex. App.—Waco Aug. 22, 2013, no pet.) (not designated for publication). His next appeal was dismissed because we lacked jurisdiction to grant an out-of-time appeal as Pitts requested. *See Pitts v. State*, No. 10-16-00026-CR, 2016 Tex. App. LEXIS 903 (Tex. App.—Waco Jan. 28, 2016, pet. ref'd) (not designated for publication).

Pitts has now filed another appeal of his 2012 convictions. His 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) (no appellate jurisdiction where notice of appeal is untimely).

Accordingly, this appeal is dismissed.¹

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed July 19, 2017
Do not publish
[CRPM]



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).