



**IN THE
TENTH COURT OF APPEALS**

No. 10-17-00246-CR

EX PARTE KEITH ALLEN CATER

**From the County Court at Law
Walker County, Texas
Trial Court No. 16-0329**

MEMORANDUM OPINION

Keith Allen Cater appeals the trial court's order, signed on June 27, 2017, denying his pretrial writ of habeas corpus application. Cater was required to file his notice of appeal within 30 days after the day the trial court rendered the order. *See* TEX. R. APP. P. 26.2(a)(1). His notice of appeal filed on August 1, 2017 is therefore untimely. *See id.* We have no jurisdiction of an untimely appeal, and this appeal must be dismissed. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (no appellate jurisdiction where notice of appeal is untimely).

Notwithstanding that we are dismissing this appeal, Cater may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if

he believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Cater desires to have the opinion and judgment 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 is rendered or the day the last timely motion for rehearing is overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

For the reasons stated, this appeal is dismissed.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed September 20, 2017

Do not publish

[CR25]

