



IN THE
TENTH COURT OF APPEALS

No. 10-20-00119-CR

FABIEN MURRY,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 54th District Court
McLennan County, Texas
Trial Court No. 2014-61-C2

MEMORANDUM OPINION

Fabian Murry, an inmate, presented a document to the Court entitled, “Out of Time Motion For Direct Appeal,” which was filed on April 1, 2020. It is apparent from the motion that Murry realizes a notice of appeal now would be late and thus, seeks approval to file a late notice of appeal. We lack jurisdiction to grant an out-of-time appeal; that authority belongs exclusively to the Court of Criminal Appeals through a writ of habeas corpus. *See Parr v. State*, 206 S.W.3d 143, 144-45 (Tex. App. – Waco 2006, no pet.).

Accordingly, Murry’s “Out of Time Motion For Direct Appeal” and this

proceeding as a whole are dismissed for want of jurisdiction.

Notwithstanding that we are dismissing this proceeding, Murry 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 Murry wishes 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).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill

Motion dismissed; proceeding dismissed
Opinion delivered and filed April 8, 2020
[OT06]

