

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00738-CR

Barry Charles Dockery, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT
NO. 946153, HONORABLE KAREN SAGE, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Barry Charles Dockery filed a motion for post-conviction DNA testing, and the trial court denied the motion on August 8, 2011. Although Dockery's notice of appeal was dated August 31, 2011, it was not filed in the trial court until October 11, 2011. *See* Tex. R. App. P. 26.2(a) (notice of appeal due within thirty days of date trial court enters appealable order). Because the notice of appeal was untimely filed, we cannot exercise jurisdiction over this appeal. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) ("A timely notice of appeal is necessary to invoke a court of appeals' jurisdiction."). We therefore dismiss the appeal for want of jurisdiction. Tex. R. App. P. 42.3(a).

David Puryear, Justice

Before Justices Puryear, Henson and Goodwin

Dismissed for Want of Jurisdiction

Filed: February 10, 2012

Do Not Publish