

NO. 12-17-00068-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE MATTER OF J.M.W.,</i>	§	<i>APPEAL FROM THE</i>
<i>A JUVENILE</i>	§	<i>COUNTY COURT AT LAW NO. 3</i>
	§	<i>SMITH COUNTY, TEXAS</i>

*MEMORANDUM OPINION
PER CURIAM*

Appellant, J.M.W., was adjudicated delinquent for aggravated robbery, and sentenced to imprisonment for twenty-five years. He was sent to the Texas Youth Commission and later transferred to the Texas Department of Criminal Justice – Institutional Division, where he is currently incarcerated. Appellant has filed a petition for out of time appeal with this Court.

However, only the court of criminal appeals has jurisdiction to grant an out of time appeal. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also Kossie v. State*, No. 01-16-00738-CR, 2017 WL 631842, at *1-2 (Tex. App.—Houston [1st Dist.] Feb. 16, 2017, no pet. h.) (mem. op., not designated for publication) (dismissing for lack of jurisdiction because appellant could not pursue out of time appeal without permission from court of criminal appeals). Nor may an intermediate appellate court suspend the rules to alter the time to perfect a civil appeal. *In the Interest of R.B.M.*, 338 S.W.3d 755, 758 (Tex. App.—Houston [14th Dist.] 2011, no pet.); *see also Browne v. Going*, No. 12-15-00199-CV, 2015 WL 5158941, at *1 (Tex. App.—Tyler Sept. 2, 2015, no pet.) (mem. op.) (dismissing appeal for want of jurisdiction because appellate court not authorized to extend time for filing notice of appeal except as permitted by Rule of Civil Procedure 26.3). Accordingly, absent an order from the court of criminal appeals granting Appellant permission to pursue an out of time appeal, this Court lacks jurisdiction over Appellant’s appeal. We, therefore, *dismiss* Appellant’s petition for *want of jurisdiction*. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered March 15, 2017.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 15, 2017

NO. 12-17-00068-CV

IN THE MATTER OF J.M.W., A JUVENILE

Appeal from the County Court at Law No. 3
of Smith County, Texas (Tr.Ct.No. 003-0433-00)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.