



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ERIC FLORES,	§	No. 08-16-00159-CR
Appellant	§	Appeal from the
v.	§	120th District Court
THE STATE OF TEXAS,	§	of El Paso County, Texas
Appellee.	§	(TC# 20110D01621)
	§	

MEMORANDUM OPINION

Appellant is attempting to appeal an order setting his appeal bond. Finding that Appellant did not timely file his notice of appeal, we dismiss the appeal for want of jurisdiction.

Appellant has a statutory right to a separate, accelerated appeal from the trial court's order setting his bail pending appeal. *See* TEX.CODE CRIM.PROC.ANN. art. 44.04(g)(West Supp. 2016); *Ortiz v. State*, 299 S.W.3d 930, 932-33 (Tex.App.--Amarillo 2009, no pet.). Under Texas Rule of Appellate Procedure 26.2(a)(1), a notice of appeal must be filed within 30 days after sentence is imposed or suspended in open court or after the trial court enters an appealable order. *See* TEX.R.APP.P. 26.2(a)(1). The appellant may obtain an extension by filing both the notice of appeal and a motion for extension of time within fifteen days after the deadline. *See* TEX.R.APP.P. 26.3; *Olivo v. State*, 918 S.W.2d 519, 522-26 (Tex.Crim.App. 1996).

On January 28, 2016, the trial court entered an order setting the appeal bond at \$20,000,

but Appellant did not file notice of appeal until July 18, 2016, almost six months later. In his notice of appeal, Appellant refers to the 180-day deadline for filing notice of a restricted appeal, but this rule is limited to civil cases. See TEX.R.APP.P. 26.1(c). Appellant's notice of appeal was due to be filed within thirty days after the trial court signed the order setting the appeal bond. See TEX.R.APP.P. 26.2(a)(1). Because Appellant did not timely file his notice of appeal, we lack jurisdiction over this appeal. See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex.Crim.App. 1998); *Olivo*, 918 S.W.2d 522-23. The appeal is dismissed.

STEVEN L. HUGHES, Justice

August 17, 2016

Before McClure, C.J., Rodriguez, and Hughes, JJ.

(Do Not Publish)