

Dismissed and Opinion Filed October 2, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-00931-CV

PATRICK HEANEY, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-82059-2012

MEMORANDUM OPINION

Before Justices Francis, Myers, and Whitehill
Opinion by Justice Whitehill

This is an appeal from the trial court's March 3, 2017 order to withdraw funds from appellant's inmate trust account. The notice of appeal was due June 1, 2017 based on a timely-filed motion to modify, but the appeal was not filed until August 8, 2017. *See* Tex. R. App. P. 26.1(a). At our request, the parties filed letter briefs addressing our jurisdiction. *See id.* 25.1(b); *Chilkewitz v. Winter*, 25 S.W.3d 382, 382 (Tex. App.—Fort Worth 2000, no pet.) (per curiam) (timely filing of notice of appeal is jurisdictional). However, appellant has not shown that we have jurisdiction over this appeal. Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 42.3; *Chilkewitz*, 25 S.W.3d at 382.

/Bill Whitehill/

BILL WHITEHILL
JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

PATRICK HEANEY, Appellant

No. 05-17-00931-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the 416th Judicial District
Court, Collin County, Texas

Trial Court Cause No. 416-82059-2012.

Opinion delivered by Justice Whitehill.

Justices Francis and Myers participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered October 2, 2017.