

DISMISS; and Opinion Filed March 27, 2018.



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

No. 05-18-00306-CR

**REGGIE ORLANDO WILLIAMS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause No. 366-81936-09**

MEMORANDUM OPINION

Before Justices Lang-Miers, Myers, and Boatright
Opinion by Justice Boatright

Reggie Orlando Williams was convicted of aggravated sexual assault of a child under fourteen years of age, two counts of indecency with a child under seventeen years of age, and two counts of sexual assault of a child under seventeen years of age. The jury assessed punishment at fifty years in prison for each of the indecency counts and eighty years in prison for each of the remaining three counts, to be served concurrently.

On June 29, 2017, appellant filed a "Request for Appointment of Counsel Pursuant to Article 64, Code of Criminal Procedure." The trial court denied the motion on July 10, 2017. On March 19, 2018, appellant filed a notice of appeal in which he states he did not receive notice from the district clerk that his request had been denied until February 13, 2018.

Rule 26.2 provides that a notice of appeal must be filed within thirty days after the day the trial court enters an appealable order. TEX. R. APP. P. 26.2(a)(1). An order denying appointed counsel under article 64.01 is not an immediately appealable order. *Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010) (“The better course is for a convicted person to file a motion for DNA testing and, if and when the motion is denied, appeal any alleged error made by the trial court in refusing to appoint counsel.”). Furthermore, appellant’s notice of appeal is untimely. *Welsh v. State*, 108 S.W.3d 921, 923 (Tex. App.—Dallas 2003, no pet.).

We dismiss this appeal for want of jurisdiction.

/Jason Boatright/

JASON BOATRIGHT
JUSTICE

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TEX. R. APP. P. 47.2(b)

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

JUDGMENT

REGGIE ORLANDO WILLIAMS,
Appellant

No. 05-18-00306-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 366th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 366-81936-09.
Opinion delivered by Justice Boatright.
Justices Lang-Miers and Myers
participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal for lack of jurisdiction.

Judgment entered this 27th day of March, 2018.