

Opinion issued November 17, 2020



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-20-00089-CR

EX PARTE ROCKY ANNIS, APPELLANT

**On Appeal from the 461st District Court
Brazoria County, Texas
Trial Court Case No. 73315-A**

MEMORANDUM OPINION

Appellant, Rocky Annis, proceeding pro se, attempts to appeal from the trial court's order denying his application for writ of habeas corpus, signed on May 22, 2019. Appellant filed a notice of appeal on January 2, 2020. Appellee, the State of Texas, filed a motion to dismiss for lack of jurisdiction.

We cannot exercise jurisdiction over an appeal without a timely filed notice of appeal. *See* TEX. R. APP. P. 26.2(a); *see also* *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012) (citation omitted); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Appeals of orders denying criminal habeas corpus relief also require timely notices of appeal. *Ex parte Nelson*, 01-17-00152-CR, 2017 WL 1149214, at *2 (Tex. App.—Houston [1st Dist.] Mar. 28, 2017, no pet.) (mem. op., not designated for publication); *Ex parte Alali*, No. 01-15-00796-CR, 2015 WL 6949240, at *1 (Tex. App.—Houston [1st Dist.] Nov. 10, 2015, no pet.) (mem. op., not designated for publication). A defendant’s notice of appeal is timely if filed within thirty days after the date sentence is imposed or suspended in open court or within ninety days after that date if the defendant timely files a motion for new trial. TEX. R. APP. P. 26.2(a); *see* *Bayless v. State*, 91 S.W.3d 801, 805 (Tex. Crim. App. 2002); *Lair v. State*, 321 S.W.3d 158, 159 (Tex. App.—Houston [1st Dist.] 2010, pet. ref’d). Therefore, appellant’s notice of appeal was due June 21, 2019.

Accordingly, we grant appellee’s motion to dismiss and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 43.2(f). We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Lloyd and Kelly.

Do not publish. TEX. R. APP. P. 47.2(b).