

Petition for Writ of Mandamus Dismissed and Opinion filed October 12, 2017.



In The
Fourteenth Court of Appeals

NO. 14-17-00750-CR

IN RE TODD WARREN ALTSCHUL, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
23rd District Court
Brazoria County, Texas
Trial Court Cause No. 23557**

MEMORANDUM OPINION

On September 26, 2017, relator Todd Warren Altschul filed a petition for writ of mandamus in this court. *See Tex. Gov't Code Ann. § 22.221 (West 2004); see also Tex. R. App. P. 52.* In the petition, relator asks this court to vacate the opinion it issued in *Altschul v. State*, No. 14-97-00478-CR; 1997 WL 312286 (Tex. App.-Houston [14th Dist.] June 12, 1997, no pet.) (mem. op.) (not designated for publication) and to grant relator an out-of-time appeal.

Our court lacks jurisdiction to grant the relief requested by relator for at least three reasons. First, the plenary power of our court to vacate its judgment in No. 14–97–00478–CR has expired. *See Tex. R. App. P. 19.1.* Second, our court does not have jurisdiction to issue a writ of mandamus against itself. *See Tex. Gov’t Code § 22.221.* Third, our court has no jurisdiction to grant an untimely appeal. *See Olivo v. State, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996)* (no appellate jurisdiction where notice of appeal is untimely).

For these reasons, we dismiss relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Christopher, Brown, and Wise.
Do Not Publish — Tex. R. App. P. 47.2(b).