



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00739-CR

Jerry **CASTILLO** Jr.,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2004CR2489
Honorable Mary D. Roman, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Jason Pulliam, Justice

Delivered and Filed: December 30, 2015

DISMISSED FOR LACK OF JURISDICTION

Jerry Castillo Jr. has filed a motion for leave to file a late notice of appeal. The trial court imposed Castillo's sentence on October 4, 2004. The trial court certified Castillo waived his right of appeal and the case was a plea-bargain case for which Castillo has no right of appeal. This court is without authority to grant an out-of-time appeal. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The exclusive post-conviction remedy in final felony convictions in Texas courts is through a writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991); see *Charles v. State*,

809 S.W.2d 574, 576 (Tex. App.—San Antonio 1991, no pet.) (explaining that writ of habeas corpus pursuant to article 11.07 governs out-of-time appeals from felony convictions). Accordingly, we lack jurisdiction to consider Castillo’s motion for leave to file a late notice of appeal.

PER CURIAM

DO NOT PUBLISH