

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-14-00550-CR

JOE FRANK HORACE SR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 95770

MEMORANDUM OPINION

On December 2, 2014, Joe Frank Horace Sr.'s notice of appeal was filed in the trial court following the trial court's October 10, 2014 order denying Horace's post-conviction motion requesting DNA testing associated with his 2008 burglary conviction. We notified the parties that the notice of appeal did not appear to have been timely filed. Horace filed a response but failed to establish that he filed a notice of appeal within the time permitted for perfecting his appeal. *See* Tex. R.

App. P. 26.2(a), 26.3. We lack jurisdiction to consider the merits of the appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Accordingly, we dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on January 20, 2015
Opinion Delivered January 21, 2015
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.