

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00274-CR

NEAL CRAIG BELLINGER, Appellant

VS.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 08-03096

MEMORANDUM OPINION

On July 15, 2015, Neal Craig Bellinger filed a notice of appeal from the trial court's order denying his motion for post-conviction DNA testing. The trial court signed an order denying Bellinger's post-conviction motion for DNA testing on June 5, 2015. The notice of appeal was filed with the trial court more than thirty days after the date the trial court signed the order denying Bellinger's motion, and Bellinger did not timely file a request for an extension of time to file his notice of

appeal. On July 27, 2015, we notified the parties that the notice of appeal did not appear to have been timely filed. Bellinger did not file a response.

The time for filing an appeal runs from the denial of the post-conviction motion for DNA testing. *See Swearingen v. State*, 189 S.W.3d 779, 781 (Tex. Crim. App. 2006). The notice of appeal was not timely filed. *See* Tex. R. App. P. 26.2(a)(1). No motion for extension of time was timely filed. *See* Tex. R. App. P. 26.3(b). It does not appear that Bellinger obtained an out-of-time appeal from the Court of Criminal Appeals. The Court finds it is without jurisdiction to entertain this appeal. Accordingly, we dismiss the appeal for want of jurisdiction.

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on August 25, 2015
Opinion Delivered August 26, 2015
Do Not Publish

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