

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-16-00281-CR**

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**TERRY PRESTON HELMCAMP, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 435th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 12-01-00757-CR**

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**MEMORANDUM OPINION**

Terry Preston Helmcamp appealed from the trial court's May 20, 2016, order denying Helmcamp's motion for post-conviction DNA testing under Chapter 64 of the Code of Criminal Procedure. *See* Tex. Code Crim. Proc. Ann. 64.05 (West 2006). We questioned our jurisdiction over the appeal because the notice of appeal is dated July 27, 2016, more than thirty days after the date of the order being appealed. *See* Tex. R. App. P. 26.2(a)(1).

In response to the notice, Helmcamp explained that he did not file his notice of appeal sooner because he did not know that the trial court had signed the order denying his motion. In a criminal case, being unaware that the order has been signed does not excuse the untimely filing of the notice of appeal. *Ex parte Matthews*, 452 S.W.3d 8, 11 (Tex. App.—San Antonio 2014, no pet.). When a notice of appeal is filed late in a criminal case, we must dismiss the appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Accordingly, the appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.

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STEVE McKEITHEN  
Chief Justice

Submitted on August 30, 2016  
Opinion Delivered August 31, 2016  
Do Not Publish

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