



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00490-CR

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|--------------------|---|------------------------------------|
| Nicole A. Garrison | § | From Criminal District Court No. 1 |
| | § | of Tarrant County (1248453D) |
| v. | § | December 13, 2012 |
| | § | Per Curiam |
| The State of Texas | § | (nfp) |

JUDGMENT

This court has considered the record on appeal in this case and holds that the appeal should be dismissed. It is ordered that the appeal is dismissed for want of jurisdiction.

SECOND DISTRICT COURT OF APPEALS

PER CURIAM



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00490-CR

NICOLE A. GARRISON

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY

MEMORANDUM OPINION¹

Appellant Nicole A. Garrison filed her notice of appeal of the trial court's October 21, 2011 order of deferred adjudication almost one year later, on October 10, 2012. On October 22, 2012, we sent Garrison a letter informing her of our concern that we lacked jurisdiction over the appeal because of the untimely filing of the notice of appeal. See Tex. R. App. P. 26.2(a)(1). We requested that she or any party desiring to continue the appeal file a response

¹See Tex. R. App. P. 47.4.

showing grounds for continuing the appeal by November 1, 2012, or the appeal could be dismissed for want of jurisdiction. See Tex. R. App. P. 42.3(a), 44.3. No response was filed.

This court does not have authority to grant an out-of-time appeal. See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (reasoning that if an appeal is not timely perfected, a court of appeals has no jurisdiction to address the merits of the appeal and can take no action other than to dismiss it). Only the Texas Court of Criminal Appeals may grant an out of time appeal. See Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2012); *Olivo v. State*, 918 S.W.2d 519, 523, 525 n.8 (Tex. Crim. App. 1996). Accordingly, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 43.2(f); *Olivo*, 918 S.W.2d at 523.

PER CURIAM

PANEL: WALKER, MCCOY, and MEIER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: December 13, 2012