



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

NO. 02-13-00390-CR

CLIM EUGENE THOMAS

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 213TH DISTRICT COURT OF TARRANT COUNTY

MEMORANDUM OPINION¹

On September 6, 2012, Appellant Clim Eugene Thomas filed a post-conviction motion for forensic DNA testing of “the victim . . . [and] the gun powder that was use[d] as evidence.”² See Tex. Code Crim. Proc. Ann. art. 64.01(a-1)

¹See Tex. R. App. P. 47.4.

²We do not have any information regarding Appellant’s underlying conviction.

(West Supp. 2012). On December 18, 2012, the trial court denied Appellant's motion. See *id.* art. 64.03(a). On August 6, 2013, Appellant filed a notice of appeal regarding the trial court's denial. See *id.* art. 64.05 (West 2006). It is clear that Appellant filed his notice of appeal outside of the mandated time limitations, which divests this court of jurisdiction over his attempted appeal. See *id.*; Tex. R. App. P. 26.2(a); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996). Therefore, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: GABRIEL, J.; LIVINGSTON, C.J.; and DAUPHINOT, J.

DO NOT PUBLISH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

DELIVERED: October 10, 2013