



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-08-00011-CV

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GREGORY LEWIS, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 102nd Judicial District Court  
Bowie County, Texas  
Trial Court No. 04C0902-102

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Chief Justice Morriss

## MEMORANDUM OPINION

Appellant, Gregory Lewis, filed a notice of appeal December 13, 2007, from the trial court's December 5, 2007, denial of his motion to rescind an order of forfeiture, requesting the trial court rescind its April 5, 2007, order.

The trial court's denial of Lewis' motion to rescind does not constitute a final, appealable order. Unless otherwise statutorily authorized, an appeal may be made only from a final judgment. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 51.012 (Vernon 1997), § 51.014 (Vernon Supp. 2007).

If we treat Lewis' appeal as a normal appeal of the April 5, 2007, order, it is too late. *See* TEX. R. APP. P. 26.1.<sup>1</sup> Even if the Court treats this matter as an attempted restricted appeal of the April 5, 2007, judgment, the notice of appeal is untimely. A notice of restricted appeal must be filed within six months after the judgment is signed. TEX. R. APP. P. 26.1(c). Lewis filed his notice of appeal on December 13, 2007, well outside the allowed six-month period. Further, we note that the procedure available to extend certain deadlines when a party proves late notice of judgment is not available to extend the time to perfect a restricted appeal. TEX. R. CIV. P. 306a; TEX. R. APP. P. 4.2(a)(2).

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<sup>1</sup>The deadline to file a notice of appeal is thirty days after the judgment is signed, unless an exception applies. No exception appears here.

Accordingly, we dismiss this appeal for want of jurisdiction.

Josh R. Morriss, III  
Chief Justice

Date Submitted: January 29, 2008  
Date Decided: January 30, 2008