



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

No. 06-13-00226-CR

PERRY WAYNE JERDEN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 402nd Judicial District Court
Wood County, Texas
Trial Court No. 21-398-2011

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

MEMORANDUM OPINION

Perry Wayne Jerden has filed a document through which he attempts to initiate an out of time direct appeal through this Court. We can determine from his filing that he was convicted in a jury trial in May 2012. He states that he desired to appeal, but that his appointed attorney did not pursue the appeal. He now seeks to do so pro se.

Under the appellate rules, this Court has jurisdiction over a criminal appeal only if a notice of appeal is filed timely—which would be within thirty days of the date sentence is imposed (or ninety days if a motion for new trial is timely filed). TEX. R. APP. P. 26.2.

An out-of-time appeal can be obtained only from the Texas Court of Criminal Appeals through a writ of habeas corpus returnable to that court as authorized by Article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2013). To provide such relief is not within our power. As we have no jurisdiction over this attempted appeal, we must dismiss.

We dismiss the appeal for want of jurisdiction.

Josh R. Morriss, III
Chief Justice

Date Submitted: October 29, 2013
Date Decided: October 30, 2013

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