



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-14-00065-CR**

**EX PARTE SALVADOR ZAVALA**

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**From the County Court  
Navarro County, Texas  
Trial Court No. 52,611**

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**MEMORANDUM OPINION**

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Salvador Zavala attempts to appeal the denial of relief sought in a misdemeanor post-conviction writ of habeas corpus. He asks for permission to file an out of time notice of appeal, which we construe to be a motion for extension of time to file a notice of appeal. We may extend the time to file a notice of appeal if, within 15 days after the deadline for filing the notice of appeal, the appealing party files a notice of appeal in the trial court and files a motion for extension of time in the appellate court. TEX. R. APP. P. 26.3. We do not know if Zavala filed a notice of appeal in the trial court. Even if he did, we cannot extend the time to file his notice of appeal because his motion for extension of time was untimely. According to Zavala, the trial court issued its ruling on January

2, 2014. Zavala's motion for extension of time to file the notice of appeal was therefore due by February 17, 2014. It was not filed until March 10, 2014.

Because the motion for extension of time was untimely filed, we have no jurisdiction of this appeal, and it is dismissed.<sup>1</sup> See *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed March 27, 2014  
Do not publish  
[CR25]

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<sup>1</sup> A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by the Court of Criminal Appeals, a petition for discretionary review must be filed in the Court of Criminal Appeals within 30 days after either the day the court of appeals' judgment was rendered or the day the last timely motion for rehearing was overruled by the court of appeals. TEX. R. APP. P. 68.2 (a).