



IN THE
TENTH COURT OF APPEALS

No. 10-16-00026-CR

FREDERICK LOUIS PITTS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 85th District Court
Brazos County, Texas
Trial Court No. 08-03413-CRF-85

MEMORANDUM OPINION

Frederick Louis Pitts was convicted in 2012. His subsequent appeal was dismissed for want of jurisdiction because his notice of appeal was untimely. *See Pitts v. State*, No. 10-13-00271-CR, 2013 Tex. App. LEXIS 10613 (Tex. App.—Waco Aug. 22, 2013, no pet.) (not designated for publication). Pitts now requests this Court to grant Pitts an out-of-time appeal. This request was set up in the Court's system as a new notice of appeal.

We lack jurisdiction to grant an out-of-time appeal; that authority belongs exclusively to the Court of Criminal Appeals through a writ of habeas corpus. *See Parr v. State*, 206 S.W.3d 143, 144-45 (Tex. App.—Waco 2006, no pet.). Accordingly, this appeal is dismissed.¹ Pitts’s motion for an out-of-time appeal is dismissed as moot.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Motion dismissed
Opinion delivered and filed January 28, 2016
Do not publish
[CRPM]



¹ A motion for rehearing may be filed within 15 days after the judgment of this Court is rendered. *See* TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court’s judgment was rendered or the day the last timely motion for rehearing was overruled by this Court. *See* TEX. R. APP. P. 68.2(a).