



IN THE  
TENTH COURT OF APPEALS

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No. 10-20-00192-CR

LARRY JOE JONES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 85th District Court  
Brazos County, Texas  
Trial Court No. 14-02769-CRF-85

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MEMORANDUM OPINION

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Appellant Larry Joe Jones was convicted by a jury of the offense of evading arrest with a vehicle and was sentenced to a term of incarceration of seventy-five years. The offense was enhanced by a prior felony offense, and the jury made a deadly weapon finding. Jones's conviction was affirmed on appeal. *See Jones v. State*, No. 06-15-00124-CR, 2016 WL 5854355 (Tex. App.—Texarkana Oct. 7, 2016, pet. ref'd) (mem. op., not

designated for publication).<sup>1</sup> Jones's conviction was final at the latest fifteen days after the Court of Criminal Appeals rejected his petition for discretionary review on March 8, 2017. *See* TEX. R. APP. P. 49.

Jones files a "Petition" to be granted leave to file a "first-time" appeal to raise an issue that was not included in his first appeal. We have no jurisdiction to grant an untimely appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (no appellate jurisdiction where notice of appeal is untimely). Additionally, the authority to grant an out-of-time appeal belongs exclusively to the Court of Criminal Appeals through a writ of habeas corpus. *See Pitts v. State*, No. 10-16-00026-CR, 2016 WL 369544, at \*1 (Tex. App.—Waco Jan. 28, 2016, pet. ref'd) (mem. op., not designated for publication). Accordingly, Jones's "petition" for an out-of-time appeal and this proceeding as a whole are dismissed for want of jurisdiction.

Notwithstanding that we are dismissing this appeal, Jones may file a motion for rehearing with this Court within fifteen (15) days after the judgment of this Court is rendered. *See* TEX. R. APP. P. 49.1. If Jones 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 thirty (30) days after either the day this Court's

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<sup>1</sup> Jones's original appeal was filed with this court but was transferred to the Sixth Court of Appeals by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001.

judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Dismissed

Opinion delivered and filed July 31, 2020

Do not publish

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