

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-02-00730-CR**

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**Thomas Allen Gage, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT  
NO. 52,826, HONORABLE JOE CARROLL, JUDGE PRESIDING**

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Thomas Allen Gage seeks to appeal from a judgment of conviction for evading arrest with a motor vehicle. Sentence was imposed on March 4, 2002. The deadline for perfecting appeal or filing a motion for new trial was therefore April 3, 2002. Tex. R. App. P. 21.4(a), 26.2(a)(1). Gage filed his combined motion for new trial and notice of appeal on November 5, 2002. Under the circumstances, we lack jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. *See Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App.1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996). Gage may seek an out-of-time appeal by means of a post-conviction application for writ of habeas corpus. *See* Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2003).

The appeal is dismissed.

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Marilyn Aboussie, Chief Justice

Before Chief Justice Aboussie, Justices Patterson and Puryear

Dismissed for Want of Jurisdiction

Filed: December 12, 2002

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