

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-04-00583-CR

Timothy Keyes, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. 3013447, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

MEMORANDUM OPINION

Timothy Keyes seeks to appeal from a judgment of conviction for indecency with a child by contact. Sentence was imposed on August 27, 2003. One year later, on August 27, 2004, appellant filed a pro se motion for out-of-time appeal in the district court together with his pro se notice of appeal. The proper procedure for seeking an out-of-time appeal in a felony case is a post-conviction habeas corpus proceeding pursuant to article 11.07. *See* Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2004-05); *Ex parte Adams*, 768 S.W.2d 281, 287 (Tex. Crim. App. 1989). Because the notice of appeal was untimely, we lack jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. *See* Tex. R. App. P. 26.2(a)(1); *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).

The appeal is dismissed.

Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Pemberton

Dismissed for Want of Jurisdiction

Filed: October 14, 2004

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