

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00123-CR

In re Thomas Elton Holder

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 26TH JUDICIAL DISTRICT
NO. 90-217-K26, HONORABLE BILLY RAY STUBBLEFIELD, JUDGE PRESIDING**

MEMORANDUM OPINION

An attorney was appointed to represent Thomas Elton Holder in a forensic DNA testing proceeding. *See* Tex. Code Crim. Proc. Ann. art. 64.01(c) (West Supp. 2004-05). Holder seeks to appeal a subsequent order granting the attorney's motion to withdraw.

The order was signed and entered on January 19, 2005. Holder mailed his notice of appeal to the district clerk on February 25, and it was filed on February 28, 2005. Because the notice of appeal was not timely, 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. 9.2(b), 26.2(a)(1); *and 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).

The appeal is dismissed.

Bea Ann Smith, Justice

Before Justices B. A. Smith, Patterson and Pemberton

Dismissed for Want of Jurisdiction

Filed: May 16, 2005

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