

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00402-CV

Patrick A. Jones, Appellant

v.

State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 195,225-B, HONORABLE RICK MORRIS, JUDGE PRESIDING**

MEMORANDUM OPINION

The judgment in this civil forfeiture case was signed on November 22, 2004. No timetable extending documents, such as a motion for new trial, were filed. Accordingly, the notice of appeal was due on December 22, 2005. *See Tex. R. App. P. 26.1.* The notice of appeal and appellant's "Motion for Leave to File an Out-of-Time Notice of Appeal" were not filed until March 31, 2005,¹ long after the deadline for the notice of appeal and the fifteen-day window to file a motion for extension. *See id. 26.1, 26.3.* Without a timely notice of appeal, we have no jurisdiction over the appeal. *See id. 25.1(b).* Accordingly, we must dismiss the appeal for want of jurisdiction. *See*

¹ Even were we to use March 8, 2005, apparently the date the document was prepared, the notice would be too late.

id. 42.3(a); *see also Gibbs v. Allsup Enters.*, 153 S.W.3d 603, 603 (Tex. App.—Amarillo 2004, pet. denied).

W. Kenneth Law, Chief Justice

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

Dismissed for Want of Jurisdiction

Filed: July 21, 2005