

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00441-CR

In re Joe Pena, Sr.

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. 19,269, HONORABLE ED MAGRE, JUDGE PRESIDING**

MEMORANDUM OPINION

On December 12, 2001, the district court denied appellant Joe Pena, Sr.'s pro se motion for post-conviction DNA testing. *See* Tex. Code Crim. Proc. Ann. art. 64.01 (West Supp. 2004-05). Pena filed a notice of appeal from this order on July 13, 2005. The notice of appeal was clearly too late. *See* Tex. R. App. P. 26.2(a)(1). 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).

The appeal is dismissed.

W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Patterson and Puryear

Dismissed for Want of Jurisdiction

Filed: August 5, 2005

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