

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00301-CR

In re Ezell Eugene Minton

**FROM THE DISTRICT COURT OF BASTROP COUNTY, 21ST JUDICIAL DISTRICT
NO. 6464, HONORABLE TERRY L. FLENNIKEN, JUDGE PRESIDING**

MEMORANDUM OPINION

Ezell Eugene Minton appeals from an order denying DNA testing that was signed on March 26, 2008. Because no motion for new trial was filed, the notice of appeal was due 30 days from the date the order was signed. *See* Tex. R. App. P. 26.2(a)(1). However, notice of appeal in this case was not filed until May 2, 2008. 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, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

The appeal is dismissed for want of jurisdiction.

Diane M. Henson, Justice

Before Justices Patterson, Waldrop and Henson

Dismissed for Want of Jurisdiction

Filed: August 13, 2008

Do Not Publish