

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00332-CR

Ex parte Taylor Don Frederiksen

**FROM COUNTY COURT AT LAW NO. 2 OF TOM GREEN COUNTY
NO. 04-02345-W-1, HONORABLE PENNY ANNE ROBERTS, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Taylor Don Frederiksen seeks to appeal the county court’s order denying relief on his application for writ of habeas corpus. *See* Tex. Code Crim. Proc. arts. 11.01, 11.05, 11.09. The court signed the order denying the application on January 23, 2017, and consequently, Frederiksen’s deadline for perfecting his appeal was February 22, 2017. *See* Tex. R. App. P. 26.2(a)(1). Frederiksen did not file his notice of appeal until March 19, 2017.¹ Because Frederiksen did not timely file his notice of appeal, we lack jurisdiction to dispose of his attempted appeal in any manner other than by dismissing it for want of jurisdiction. *See Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

¹ In his notice of appeal, Frederiksen asserts that his appeal “should not be time barred” because he was “not informed of the court’s decision in this matter until March 10, 2017.” Although a party who does not receive notice of an appealable order or judgment in a civil case may, under certain circumstances, obtain additional time to file a notice of appeal, *see* Tex. R. App. P. 4.2; Tex. R. Civ. P. 306a, being unaware of an appealable order or judgment does not excuse an untimely notice of appeal in a criminal case, *e.g.*, *Dewalt v. State*, 417 S.W.3d 678, 689-90 (Tex. App.—Austin 2013, pet. ref’d); *see Ex parte Nugent*, No. 01-16-00903-CR, 2017 Tex. App. LEXIS 267, at *5 (Tex. App.—Houston [1st Dist.] 2017, pet. ref’d) (mem. op., not designated for publication). *But see* Tex. R. App. P. 26.3 (appellate court may extend time to file notice of appeal if party files notice of appeal and motion for extension of time complying with Rule 10.5(b) within 15 days of deadline for filing).

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Jurisdiction

Filed: June 30, 2017

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