

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00768-CR

Ex parte Kimberly Roming

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 403RD JUDICIAL DISTRICT
NO. D-1-DC-14-205956-A, HONORABLE BRENDA KENNEDY, JUDGE PRESIDING**

MEMORANDUM OPINION

Kimberly Roming seeks to appeal from the district court’s order denying her application for writ of habeas corpus. However, her notice of appeal is untimely. In a criminal case, the notice of appeal must be filed within 30 days after the day the trial court enters an appealable order. Tex. R. App. P. 26.2(a)(1). This Court may extend the time to file the notice of appeal only if, within 15 days after the deadline expires, the party files in the trial court the notice of appeal *and* files in the appellate court a motion for extension of time. Tex. R. App. P. 26.3.

Here, the district court entered its order denying habeas relief on October 3, 2018. Thus, the 30-day filing deadline was November 2, 2018. Roming did not file her notice of appeal until November 14, 2018. Although this was within 15 days after the deadline expired, Roming failed to file a motion for extension of time. In criminal cases, “the lack of a timely filed motion for extension of time . . . is not a mere procedural irregularity; it is a jurisdictional defect.” *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). “When a notice of appeal, but no motion for extension of time, is filed within the fifteen-day period, the court of appeals lacks jurisdiction to

dispose of the purported appeal in any manner other than by dismissing it for lack of jurisdiction.”
Id. at 523. Accordingly, we dismiss this appeal for want of jurisdiction. *See Slaton v. State*,
981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam); *Olivo*, 918 S.W.2d at 526.

Gisela Triana, Justice

Before Justices Goodwin, Baker, and Triana

Dismissed for Want of Jurisdiction

Filed: January 18, 2019

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