



**NUMBER 13-16-00341-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**EX PARTE JESSE RIOS**

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**On appeal from the County Court at Law No. 1  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Rodriguez, Benavides, and Perkes  
Memorandum Opinion Per Curiam**

Appellant, Jesse Rios, attempts to appeal from the trial court's order denying the relief requested in his application for writ of habeas corpus. We dismiss the appeal for want of jurisdiction.

An application for a writ of habeas corpus challenging a conviction in a misdemeanor case is governed by article 11.09 of the Texas Code of Criminal Procedure. See TEX. CODE CRIM. PROC. ANN. art. 11.09 (West 2005); *Ex parte Tarango*, 116 S.W.3d

201, 202 (Tex. App.—El Paso 2003, no pet.). The time to perfect an appeal from an order in a habeas proceeding is governed by Texas Rule of Appellate Procedure 26.2. See TEX. R. APP. P. 26.2; *Ex parte Rieck*, 144 S.W.3d 510, 516 (Tex. Crim. App. 2004).

Under Rule 26.2(a)(1), a notice of appeal must be filed within 30 days after sentence is imposed or suspended in open court or after the trial court enters an appealable order. TEX. R. APP. P. 26.2(a)(1). The trial court entered an order denying appellant's request for habeas corpus relief on November 20, 2016. Appellant filed his notice of appeal on June 28, 2016. On June 28, 2016, the Clerk of this Court notified appellant that it appeared that the appeal was not timely perfected and that the appeal would be dismissed if the defect was not corrected within ten days from the date of receipt of the Court's directive. Appellant filed a response to the Court's directive by filing a "Supplemental to Appeal from Order Denying 11.09 Application for Writ of Habeas Corpus."

Because appellant's notice of appeal was not timely, we lack jurisdiction over this appeal. See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996). Accordingly, the appeal is DISMISSED FOR WANT OF JURISDICTION.

PER CURIAM

Do not publish.  
See TEX. R. APP. P. 47.2(b).

Delivered and filed the  
2nd day of September, 2016.