

NO. 12-18-00308-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***MARQUEL JERMON SCOTT,
APPELLANT***

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Marquel Jermon Scott filed a notice of appeal to change the denial of his motion for DNA testing. The trial court denied Appellant's motion on July 25, 2018. Under the rules of appellate procedure, the notice of appeal must be filed within thirty days after the trial court enters an appealable order. *See* TEX. R. APP. P. 26.2(a)(1). The record does not indicate that Appellant filed a motion that extended the filing deadline. *See* TEX. R. APP. P. 26.2(a)(2). Therefore, Appellant's notice of appeal was due to have been filed no later than August 24, 2018. Appellant filed his notice of appeal on November 5.

On November 5, this Court notified Appellant that the information received in this appeal does not show the jurisdiction of this Court, i.e., there was no timely filed notice of appeal or motion for extension of time to file a notice of appeal. *See* TEX. R. APP. P. 26.2, 26.3. We further notified Appellant that the appeal would be dismissed unless the information was amended on or before November 15 to show the Court's jurisdiction. This deadline has passed and Appellant failed to respond to the November 5 notice.

Because this Court is not authorized to extend the time for perfecting an appeal except as provided by the Texas Rules of Appellate Procedure, we *dismiss* the appeal for *want of jurisdiction*. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *see also Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

Opinion delivered November 28, 2018.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 28, 2018

NO. 12-18-00308-CR

MARQUEL JERMON SCOTT,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 7th District Court

of Smith County, Texas (Tr.Ct.No. 007-0154-13)

THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.