



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

RODNEY SANCHEZ LOPEZ,	§	No. 08-14-00068-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	143rd District Court
	§	
THE STATE OF TEXAS,	§	of Reeves County, Texas
	§	
Appellee.	§	(TC # 13-08-07797-CRR)
	§	

MEMORANDUM OPINION

Rodney Sanchez Lopez attempts to appeal his conviction of possession with intent to deliver more than four grams but less than 200 grams of heroin. Finding that Appellant has not timely filed his notice of appeal or a motion for extension of time, we dismiss the appeal for want of jurisdiction.

A timely notice of appeal is necessary to invoke this Court's jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex.Crim.App. 1996). The record before us reflects that sentence was imposed in open court on January 7, 2014. Appellant did not file a motion for new trial. Therefore, his notice of appeal was due to be filed on February 6, 2014, thirty days after the date sentence was imposed in open court. *See* TEX.R.APP.P. 26.2(a)(1). Appellant filed his notice of appeal one day late on February 7, 2014. Pursuant to Rule 26.3, a court of appeals may grant an

extension of time to file notice of appeal if the notice is filed within fifteen days after the last day allowed and, within the same period, a motion is filed in the court of appeals reasonably explaining the need for the extension of time. TEX.R.APP. P. 26.3; *Olivo*, 918 S.W.2d at 522. Appellant did not file a motion requesting an extension of time pursuant to Rule 26.3. Because Appellant did not timely file his notice of appeal, he failed to perfect this appeal.

Appellant has filed a motion to dismiss his appeal pursuant to TEX.R.APP.P. 42.2, but the motion is not in compliance with the requirements of that rule. Given that we lack jurisdiction of the appeal, we deny Appellant's motion to dismiss as moot and dismiss the appeal for want of jurisdiction.

August 6, 2014

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rivera, and Rodriguez, JJ.

(Do Not Publish)