



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

CHRISTOPHER TURNER,	§	No. 08-16-00256-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	27th District Court
	§	
THE STATE OF TEXAS,	§	of Bell County, Texas
	§	
Appellee.	§	(TC # 69922)
	§	

MEMORANDUM OPINION

Christopher Turner attempts to appeal from a judgment adjudicating him guilty of attempted theft. Finding that Appellant did not timely file his notice of appeal, 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). In a criminal case, a defendant's notice of appeal is due within thirty days after the sentence is imposed in open court or the trial court enters an appealable order. *See* TEX.R.APP.P. 26.2(a)(1). The deadline is extended to ninety days after the date the sentence is imposed in open court if the defendant timely files a motion for new trial. *See* TEX.R.APP.P. 26.2(a)(2). A court of appeals may extend the time to file the notice of appeal if, within 15 days after the deadline for filing the notice of appeal, the party files in the trial court the notice of appeal, and files in the appellate court a motion complying with Rule 10.5(b).

TEX.R.APP.P. 26.3. When a notice of appeal is filed within the fifteen-day period, but no timely motion for extension of time is filed, the appellate court lacks jurisdiction. *Olivo*, 918 S.W.2d at 522.

The judgment of conviction reflects that sentence was imposed in open court on July 25, 2016. Appellant did not file a motion for new trial. Therefore, his notice of appeal was due to be filed no later than August 24, 2016, 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 on September 2, 2016, but he did not file a motion for extension of time as permitted by Rule 26.3. Because Appellant did not timely file his notice of appeal, we are required to dismiss the appeal for lack of jurisdiction.

October 27, 2016

ANN CRAWFORD McCLURE, Chief Justice

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

(Do Not Publish)