

Opinion filed March 24, 2011



In The

Eleventh Court of Appeals

No. 11-11-00025-CR

REED J. BATES, Appellant

V.

STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 2

Ellis County, Texas

Trial Court Cause No. 1010552CR

MEMORANDUM OPINION

The trial court convicted Reed J. Bates of the offense of reckless driving and assessed punishment at confinement for thirteen days and a fine of \$100. We dismiss the appeal.

Appellant's sentence was imposed on August 17, 2010. A timely motion for new trial was filed on August 31 and was overruled by operation of law pursuant to TEX. R. APP. P. 21.8. Appellant's notice of appeal was filed on November 29, 2010, 104 days after the date sentence was imposed. Upon receiving the clerk's record, this court notified the parties by letter dated February 14, 2011, that the notice of appeal appeared to be untimely and that no motion for

extension had been timely filed. We requested that appellant provide proof that a notice of appeal had been timely filed, and we informed appellant that the appeal may be dismissed for want of jurisdiction. Appellant has not responded to our letter.

Pursuant to TEX. R. APP. P. 26.2(a)(2), a notice of appeal is due ninety days after the day sentence is imposed. In this case, the due date was November 15, 2010. Appellant did not file a motion for extension of time. See TEX. R. APP. P. 26.3. Absent a timely filed notice of appeal or the granting of a timely motion for extension of time, we do not have jurisdiction to entertain the appeal. *Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108 (Tex. Crim. App. 1993).

Accordingly, the appeal is dismissed for want of jurisdiction.

PER CURIAM

March 24, 2011

Do not publish.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

Panel consists of: Wright, C.J.,
McCall, J., and Strange, J.