

Opinion filed February 8, 2018



In The
Eleventh Court of Appeals

No. 11-18-00021-CR

**WALTON JOHN ALEXANDER A/K/A JOHN WALTON
ALEXANDER, Appellant**

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 266th District Court
Erath County, Texas
Trial Court Cause No. 10295**

MEMORANDUM OPINION

Appellant has filed an untimely notice of appeal in this cause. Appellant attempts to appeal his 1997 conviction for the offense of indecency with a child (enhanced). We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence was imposed on August 11, 1997, and that his notice of appeal was filed in the district clerk's office on January 16, 2018. Pursuant to Rule 26.2(a) of the Texas Rules of

Appellate Procedure, a notice of appeal is due to be filed either (1) within thirty days after the date that sentence is imposed in open court or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed in open court. A notice of appeal must be in writing and filed with the clerk of the trial court. TEX. R. APP. P. 25.2(c)(1). The documents on file in this court reflect that Appellant's notice of appeal was filed more than twenty years after his sentence was imposed. The notice of appeal was, therefore, untimely. 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 this appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993).

When the appeal was filed in this court, we notified Appellant by letter that the notice of appeal appeared to be untimely and that the appeal may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Appellant filed a response, but he has not shown any grounds upon which this court may continue this appeal. We have considered Appellant's response; however, we are without authority to proceed with this appeal or to grant Appellant's request to continue with an out-of-time appeal. *See Slaton*, 981 S.W.2d at 210.

Accordingly, we dismiss this appeal for want of jurisdiction.

February 8, 2018

PER CURIAM

Do not publish.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

Panel consists of: Willson, J.,
Bailey, J., and Wright, S.C.J.¹

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.