

Dismiss and Opinion Filed April 16, 2015.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-15-00474-CR

**CHRISTOPHER RANDY PEREZ, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-80748-2014**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Brown, and Justice Stoddart
Opinion by Justice Stoddart

Christopher Randy Perez was convicted of aggravated assault with a deadly weapon and sentenced to ten years' imprisonment. Sentence was imposed in open court on August 21, 2014. In his notice of appeal, appellant recognizes that he pleaded guilty pursuant to plea agreement, but believes he should be able to appeal because his conviction was based on ineffective assistance of counsel.¹ We dismiss the appeal for want of jurisdiction.

Appellant did not timely file a motion for new trial; therefore, his notice of appeal was due by Monday, September 22, 2014. *See* TEX. R. APP. P. 4.1(a), 26.2(a)(a). Appellant's April 14, 2015 notice of appeal is untimely as to his August 21, 2014 sentencing date. Nothing in the notice of appeal indicates appellant was granted an out-of-time appeal by the Texas Court of

¹ This is appellant's second appeal from the same conviction. The first appeal was dismissed for want of jurisdiction on February 12, 2015. *Perez v. State*, No. 05-15-00149-CR (Tex App.—Dallas Feb. 12, 2015, no pet.).

Criminal Appeals, and this Court has no authority to grant appellant an out-of-time appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam); *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996).

We dismiss the appeal for want of jurisdiction.

/ Craig Stoddart/

CRAIG STODDART
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

CHRISTOPHER RANDY PEREZ,
Appellant

No. 05-15-00474-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-80748-2014.
Opinion delivered by Justice Stoddart, Chief
Justice Wright and Justice Brown
participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 16th day of April, 2015.