

Dismissed; Opinion Filed August 19, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00951-CR

DUANTE ANTWONE TAYLOR, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 194th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F18-76415-M

MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Partida-Kipness

Duante Antwone Taylor appeals his conviction for fraudulent use or possession of identifying information. On June 7, 2019, the trial court found appellant guilty and assessed punishment, enhanced by two prior felony convictions, at forty years in prison. Appellant filed a motion for new trial on July 15, 2019, followed by his notice of appeal on July 23, 2019. For the reasons that follow, we dismiss this appeal.

A timely filed notice of appeal is required to invoke this Court's jurisdiction. *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). In the absence of a timely filed notice of appeal, the Court has no option other than to dismiss the appeal. *Id.* A defendant perfects an appeal by filing with the trial court clerk, within thirty days after the date sentence was imposed, or within ninety days after sentencing if the defendant timely filed a motion for new trial, a written notice of

appeal showing his desire to appeal. *See* TEX. R. APP. P. 25.2(b), (c), 26.2(a). A motion for new trial is timely if it is filed “no later than 30 days after” the date the trial court imposes sentence in open court. *See* TEX. R. APP. P. 21.4(a).

Appellant’s sentence was imposed on June 7, 2019, making his motion for new trial due no later than July 8, 2019. *See* TEX. R. APP. P. 21.4(a), 4.1(a). His motion for new trial, however, was filed July 15, 2019. An untimely motion for new trial does not extend the time for filing a notice of appeal. As a result, appellant’s July 23, 2019 notice of appeal was untimely, and we lack jurisdiction over this appeal. *See Castillo*, 369 S.W.3d at 198, 202.

We dismiss this appeal.

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DUANTE ANTWONE TAYLOR,
Appellant

No. 05-19-00951-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 194th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F18-76415-M.
Opinion delivered by Justice Partida-
Kipness, Justices Whitehill and Pedersen,
III participating.

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

Judgment entered this 19th day of August, 2019.