

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

Nos. 04-12-00406-CR &
04-12-00410-CR

Noah Alemu **ABERA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 216th Judicial District Court, Kerr County, Texas
Trial Court Nos. A11374 & A11188
Honorable N. Keith Williams, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: September 26, 2012

DISMISSED FOR WANT OF JURISDICTION

The trial court imposed sentence on May 17, 2012, and therefore, appellant's motion for new trial was due June 18, 2012. *See* Tex. R. App. P. 21.4(a). However, appellant did not file a motion for new trial until June 29, 2012. Because appellant did not timely file a motion for new trial, the deadline for filing a notice of appeal was therefore June 18, 2012. *See* TEX. R. APP. P. 26.2(a)(1). A notice of appeal was not filed until June 29, 2012, and appellant did not file a timely motion for extension of time to file the notice of appeal. *See* TEX. R. APP. P. 26.3.

On August 8, 2012, we ordered appellant to show cause in writing why this appeal should not be dismissed for want of jurisdiction. Appellant's response was due in this court on or before September 7, 2012. We advised appellant that if a timely, satisfactory response was not filed, the appeal would be dismissed for want of jurisdiction. Appellant did not file a response.

Because the notice of appeal in this case was not timely filed, we lack jurisdiction to entertain the appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991) (explaining that writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure governs out-of-time appeals from felony convictions). Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

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