



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00650-CR

John CANALES,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2012CR8914
Honorable Philip A. Kazen, Jr., Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: October 9, 2013

DISMISSED FOR LACK OF JURISDICTION

Defendant pled nolo contendere to possession of a controlled substance PG 1 less than 1 gram and was sentenced within the terms of a plea bargain. The trial court imposed or suspended sentence on July 26, 2013. Because appellant did not file a motion for new trial, the notice of appeal was due to be filed August 26, 2013. Tex. R. App. P. 26.2(a)(1). A motion for extension of time to file the notice of appeal was due on September 9, 2013. Tex. R. App. P. 26.3. Appellant filed notice of appeal on September 23, 2013. Appellant did not file a motion for extension of time. Accordingly, on September 27, 2013, this court ordered appellant to show cause in writing

why this appeal should not be dismissed for lack of jurisdiction. On September 30, 2013, appellant's attorney filed a response conceding this court lacks jurisdiction over the appeal. Accordingly, we dismiss this appeal for lack of jurisdiction.

PER CURIAM

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