

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00251-CR**

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**JUAN YEPEZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court at Law No. 4  
Montgomery County, Texas  
Trial Cause No. 08-240056**

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**MEMORANDUM OPINION**

On June 10, 2010, we notified the parties that the notice of appeal did not appear to have been timely filed. The appellant filed a response. The trial court pronounced sentence on January 6, 2010, and the appellate timetables were extended by the timely filing of a motion for new trial. Notice of appeal was due to be filed on April 6, 2010. *See* TEX. R. APP. P. 26.2(a)(2). Appellant filed notice of appeal on April 7, 2010.

A timely notice of appeal is necessary to invoke the Court's appellate jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Furthermore, the lack of a timely filed motion for extension of time is a jurisdictional defect. *Id.* "When a notice of

appeal is filed within the fifteen-day period but no timely motion for extension of time is filed, the appellate court lacks jurisdiction.” *Id.* If the appeal is not timely perfected, the appellate court must dismiss the appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). The notice of appeal was not timely filed. *See* Tex. R. App. P. 26.2. No motion for extension of time was timely filed pursuant to TEX. R. APP. P. 26.3. Under these circumstances, we lack jurisdiction to entertain this appeal. Accordingly, the appeal is dismissed for want of jurisdiction.

APPEAL DISMISSED.

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CHARLES KREGER  
Justice

Opinion Delivered July 21, 2010  
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.