



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-19-00290-CR

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RAFAEL VILLARD, Appellant

v.

THE STATE OF TEXAS

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On Appeal from Criminal District Court No. 3  
Tarrant County, Texas  
Trial Court Nos. 1454393D, 1474527D

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Before Kerr, Birdwell, and Bassel, JJ.  
Memorandum Opinion by Justice Kerr

## MEMORANDUM OPINION

Appellant Rafael Villard attempts to appeal from (1) the trial court's judgment adjudicating him guilty of assault of a family member by impeding the breathing or circulation of the victim, with a previous family-violence conviction, and (2) the trial court's judgment convicting him of assault of a family or household member, with a previous family-violence conviction. *See* Tex. Penal Code Ann. § 22.01(b)(2)(A), (b-3). On February 10, 2017, the trial court sentenced Villard to three years' confinement in each case with the sentences to run concurrently. Because Villard did not move for a new trial in either case, his notice of appeal in each case was due no later than March 13, 2017. *See* Tex. R. App. P. 4.1(a), 26.2(a)(1). Over two years later, on July 25, 2019, Villard filed a notice of appeal attempting to appeal from both judgments.

On August 1, 2019, we notified Villard by letter of our concern that we lacked jurisdiction over these appeals because the notice of appeal was untimely filed. *See* Tex. R. App. P. 26.2(a)(1). We advised him that unless we received a response by August 12, 2019, showing grounds for continuing the appeals, the appeals could be dismissed for want of jurisdiction. *See* Tex. R. App. P. 44.3. We have received no response.

Our appellate jurisdiction is triggered through a timely filed notice of appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If a notice of appeal is not timely filed under rule 26.2, we do not have jurisdiction to address the merits of the appeal and may take no action other than to dismiss it. *See Slaton v. State*,

981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Because Villard's notice of appeal was untimely filed, we dismiss these appeals for want of jurisdiction. *See* Tex. R. App. P. 26.2(a)(1), 43.2(f).

/s/ Elizabeth Kerr  
Elizabeth Kerr  
Justice

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Tex. R. App. P. 47.2(b)

Delivered: September 26, 2019