



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-13-00106-CR, 07-13-00107-CR

ADAM LEWIS TRINIDAD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 46th District Court
Wilbarger County, Texas
Trial Court No. 11-317, 11-318, Honorable Dan Mike Bird, Presiding

May 14, 2013

MEMORANDUM OPINION

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Appellant Adam Lewis Trinidad attempts to appeal his conviction and sentence for sexual assault of a child. The record indicates sentence was imposed on February 23, 2010. No motion for new trial was filed. A notice of appeal was not filed until April 3, 2013. By letter we notified the parties of our apparent lack of appellate jurisdiction, and set a deadline for the filing of documents or matters considered necessary for the Court to determine its jurisdiction. Counsel for appellant has responded with a motion requesting additional time.

If a motion for new trial is not filed, a notice of appeal must be filed within thirty days after the day sentence is imposed or suspended in open court. Tex. R. App. P. 26.2(a)(1). Appellant's notice of appeal was due by March 25, 2010. Because appellant's notice of appeal was filed more than three years after it was due, we have no jurisdiction over this appeal. See *Olivo v. State*, 918 S.W.2d 519, 522 (Tex.Crim.App. 1996). As we lack jurisdiction to address the merits of the appeal, we may take no action other than dismissal.¹ See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex.Crim.App. 1998); *Olivo*, 918 S.W.2d at 523; *Hess v. State*, No. 07-11-00359-CR; No. 07-11-00360-CR, 2011 Tex. App. Lexis 7720 (Tex.App.--Amarillo Sept. 26, 2011, no pet.) (mem. op.) (not designated for publication).

Accordingly, we deny appellant's request for additional time and dismiss the appeal for want of jurisdiction.

James T. Campbell
Justice

Do not publish.

¹ Appellant may be entitled to an out-of-time appeal by filing a post-conviction writ of habeas corpus returnable to the Texas Court of Criminal Appeals. Tex. Code Crim. Proc. Ann. art. 11.07, § 3 (West Supp. 2012).