



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-14-00009-CR

JOHNATHAN LEE WOOD, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 8th District Court
Hopkins County, Texas
Trial Court No. 1323123

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Johnathan Lee Wood has filed a notice of appeal from his conviction of continuous sexual abuse of a child under fourteen and the resulting sentence of life imprisonment. The issue before us is whether Wood perfected his appeal. We conclude that he did not and dismiss the appeal for want of jurisdiction.

Sentence was imposed in this matter October 17, 2013, and Wood timely-filed a motion for new trial on November 14, making his notice of appeal due January 15, 2014. *See* TEX. R. APP. P. 26.2. Wood's notice was not filed until January 21, 2014, and Wood did not file a motion seeking an extension of the deadline for filing his notice. *See* TEX. R. APP. P. 10.5(b), 26.3.

A timely notice of appeal is necessary to invoke this Court's jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (citing *Rodarte v. State*, 860 S.W.2d 108 (Tex. Crim. App. 1993)). The Texas Court of Criminal Appeals interprets Rule 26.3 of the Texas Rules of Appellate Procedure strictly to require an appellant in a criminal case to file his notice of appeal and a motion for extension of time within the fifteen-day period for filing a late notice of appeal. *Id.* According to the high court, "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.*; *see also Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998) (*per curiam*).

We notified Wood by letter dated February 11, 2014, of this jurisdictional defect and provided him an opportunity to cure the defect or otherwise demonstrate to the Court how it had

jurisdiction over the appeal. We received no response from Wood. We note that Wood recently submitted a lengthy brief to this Court raising numerous points of error; however, nowhere in that brief does he address the dispositive jurisdictional issue.

Because Wood failed to file a motion for extension of time in addition to his late-filed notice of appeal, we lack jurisdiction over this appeal. *Olivo*, 918 S.W.2d at 522.

We dismiss the appeal for want of jurisdiction.

Bailey C. Moseley
Justice

Date Submitted: March 20, 2014
Date Decided: March 21, 2014

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