



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

No. 06-21-00135-CR

JOHN ALFRED PETERSEN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court
Lamar County, Texas
Trial Court No. 68370

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Justice Burgess

MEMORANDUM OPINION

John Alfred Peterson has filed an untimely notice of appeal from a conviction of criminal mischief. We dismiss the appeal for want of jurisdiction.

The judgment of conviction in this matter indicates that Petersen's sentence was imposed on October 5, 2021. Because Peterson did not file a motion for new trial, Petersen's notice of appeal was due on or before November 4, 2021. *See* TEX. R. APP. P. 26.2(a)(1). Petersen's notice of appeal was filed on November 12, 2021, after the November 4 deadline. Consequently, Petersen's attempt to appeal his conviction in this matter was untimely. The Texas Court of Criminal Appeals has expressly held that, without a timely filed notice of appeal, we cannot exercise jurisdiction over an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998).

On November 18, 2021, we informed Petersen of the apparent defect in our jurisdiction over this appeal and afforded him an opportunity to respond and, if possible, cure such defect. Petersen did not file a response to our jurisdictional defect letter.

Because Petersen did not timely file his notice of appeal, we dismiss this appeal for want of jurisdiction.

Ralph K. Burgess
Justice

Date Submitted: December 9, 2021
Date Decided: December 10, 2021

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