



IN THE
TENTH COURT OF APPEALS

No. 10-19-00161-CR

KEVIN ALEXANDER HERNANDEZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 361st District Court
Brazos County, Texas
Trial Court No. 17-03350-CRF-361

MEMORANDUM OPINION

On May 10, 2019, Kevin Hernandez filed a notice of appeal of his conviction for continuous sexual abuse of a child. Hernandez's imposition of sentence was on April 5, 2019. Hernandez's notice of appeal is therefore untimely, and we have no jurisdiction of an untimely appeal. *See* TEX. R. APP. P. 26.2(a); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (no appellate jurisdiction where notice of appeal is untimely). Furthermore, because the trial court's certification of his right of appeal, which Hernandez and his counsel signed, indicates that Hernandez has waived his right of

appeal, this appeal must be dismissed. *See* TEX. R. APP. P. 25.2(d) (“The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules.”); *Monreal v. State*, 99 S.W.3d 615, 622 (Tex. Crim. App. 2003) (waiver of appeal).

Notwithstanding that we are dismissing this appeal, Hernandez may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if he believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Hernandez desires to have the opinion and judgment of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court’s judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

For the reasons stated, this appeal is dismissed.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Appeal dismissed
Opinion delivered and filed May 22, 2019
Do not publish
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