

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-01-00673-CR

Ramiro Rogerio, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. 1010156, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

On August 24, 2001, the district court placed appellant Ramiro Rogerio on deferred adjudication community supervision after Rogerio pleaded guilty to possession of cocaine. Rogerio filed a motion for new trial on September 20, and gave notice of appeal on November 14.

No motion for new trial will lie from an order deferring adjudication. *Hammack v. State*, 963 S.W.2d 199, 200 (Tex. App.—Austin 1998, no pet.). Rogerio’s motion for new trial was a nullity and did not extend the time for perfecting appeal. *Id.* at 201; *see also* Tex. R. App. P. 26.2. Because notice of appeal was not timely filed, we lack jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. *Id.*; *see also Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App.1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

The appeal is dismissed.

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Jan P. Patterson, Justice

Before Justices Kidd, Yeakel and Patterson

Dismissed for Want of Jurisdiction

Filed: January 17, 2002

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