

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00183-CR

La Baaron Hutchison, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. D-1-DC-09-301210, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

MEMORANDUM OPINION

La Baaron Hutchison seeks to appeal from a September 2, 2010 judgment of conviction for aggravated assault with a deadly weapon. However, the trial court certified that: (1) this is a plea bargain case and Hutchison has no right of appeal, and (2) Hutchison waived the right of appeal. *See* Tex. R. App. P. 25.2(a)(2), (d). Hutchison and his counsel signed the certification.

Further, Hutchison's attempted notice of appeal is untimely. Sentence was imposed on September 2, 2010. No motion for new trial was filed, thus the deadline for perfecting appeal was October 4, 2010. *See* Tex. R. App. P. 26.2(a)(1), 4.1(a). Hutchison's notice of appeal was filed with the trial court on March 15, 2011, and with this Court on March 28, 2011. There was no request for extension of time to file the notice of appeal. *See* Tex. R. App. P. 26.3. Additionally, there is no

indication that notice of appeal was properly mailed to the district clerk within the time prescribed by rule 26.2(a). *See* Tex. R. App. P. 9.2(b).

Under the circumstances, we lack jurisdiction over Hutchison's appeal and therefore dismiss it for want of jurisdiction. *See* Tex. R. App. P. 25.2(d); *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

Jeff Rose, Justice

Before Justices Puryear, Pemberton and Rose

Dismissed for Want of Jurisdiction

Filed: June 3, 2011

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