

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00480-CR

Edgar Penaloza, Appellant

v.

The State of Texas, Appellee

**FROM THE COUNTY COURT AT LAW NO. 4 OF TRAVIS COUNTY
NO. C-1-CR-15-217692, HONORABLE MIKE DENTON, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Edgar Penaloza was convicted of possession of marijuana on May 3, 2016. He filed his notice of appeal on July 15, 2016. Although his notice of appeal states that a motion for new trial was filed on May 27, no such motion was filed in the underlying cause,¹ making the notice of appeal due no later than June 2. *See* Tex. R. App. P. 26.2(a)(1) (notice of appeal due within thirty days of date sentence is imposed in open court).

We therefore dismiss the appeal for want of jurisdiction. *See Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012) (“Timely filing of a written notice of appeal is a jurisdictional prerequisite to hearing an appeal. If a notice of appeal is not timely filed, the court of appeals has no option but to dismiss the appeal for lack of jurisdiction.”).

¹ Penaloza was also convicted on the same day of assault–family violence in trial court cause number C-1-CR-15-217691. A motion for new trial was filed in that cause alone, making arguments specific to the assault charge and making no assertions relevant to the possession charge.

David Puryear, Justice

Before Justices Puryear, Pemberton, and Field

Dismissed for Want of Jurisdiction

Filed: July 22, 2016

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