

**NO. 12-08-00466-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***JERAMY WAYNE HASTINGS,  
APPELLANT***

§ ***APPEAL FROM THE 114TH***

***V.***

§ ***JUDICIAL DISTRICT COURT OF***

***THE STATE OF TEXAS,  
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Appellant was convicted of driving while intoxicated with a child passenger, a state jail felony, and placed on community supervision for three years. His community supervision was revoked on October 5, 2008, and he attempts to appeal the revocation.

In a criminal case, an appeal is perfected when notice of appeal is filed within thirty days after the day sentence is imposed or suspended in open court unless a motion for new trial is timely filed. TEX. R. APP. P. 26.2(a)(1). Appellant did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed on or before November 5, 2008. However, Appellant did not file his notice of appeal until November 21, 2008, and therefore the notice was untimely.

Along with his notice of appeal, Appellant filed a motion requesting an extension of time for filing his notice of appeal. Texas Rule of Appellate Procedure 26.3 provides that a motion for extension of time to file a notice of appeal must be filed within fifteen days of the deadline for filing the notice of appeal. TEX. R. APP. P. 26.3. Accordingly, Appellant was required to file his motion on or before November 20, 2008. However, the motion was not filed until November 21, 2008, and therefore was untimely. *See id.*

Because this court has no authority to allow the late filing of a notice of appeal except as provided by Rule 26.3, the appeal must be dismissed. See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Accordingly, Appellant's motion is overruled, and the appeal is *dismissed for want of jurisdiction*.

Opinion delivered December 3, 2008.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)