

**NO. 12-11-00096-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***ROBERT GORDEN BULLOCK,  
APPELLANT***

§

***APPEAL FROM THE 123RD***

***V.***

§

***JUDICIAL DISTRICT COURT OF***

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

§

***SHELBY COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Appellant was convicted of aggravated sexual assault of a child, and sentence was imposed on November 15, 2010.

Texas Rule of Appellate Procedure 26.2 provides that 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). Where a timely motion for new trial has been filed, notice of appeal shall be filed within ninety days after the sentence is imposed or suspended in open court. TEX. R. APP. P. 26.2(a)(2). Appellant did not file a motion for new trial. Therefore, Appellant's notice of appeal was due to have been filed on or before December 15, 2010. However, Appellant did not file his notice of appeal until March 24, 2011, and did not file a motion for extension of time to file his notice of appeal as permitted by Texas Rule of Appellate Procedure 26.3. See TEX. R. APP. P. 26.3 (appellate court may extend time for filing notice of appeal if, within fifteen days after deadline for filing notice of appeal, appellant files notice of appeal in trial court and motion complying with Texas Rule of Appellate Procedure 10.5(b) in appellate court).

On March 30, 2011, this court notified Appellant that his notice of appeal was untimely and

that there was no timely motion for an extension of time to file the notice of appeal as permitted by rule 26.3. Appellant was further informed that the appeal would be dismissed unless, on or before April 11, 2011, the information filed in the appeal was amended to show the jurisdiction of this court.

On April 12, 2011, Appellant filed a document in this court entitled “Motion for Extension of Time to File Motion for Extension of Time” explaining the circumstances that resulted in his notice of appeal being filed late. He also requests that the time be extended for filing a motion for extension of time to file the notice of appeal and that the appeal be allowed to proceed. As stated above, Appellant’s deadline for filing his notice of appeal was December 15, 2010. Pursuant to rule 26.3, his motion for extension of time must have been filed no later than December 30, 2010. Because Appellant’s motion was not filed until April 12, 2011, it is untimely and is overruled. *See* TEX. R. APP. P. 26.3. Moreover, 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, the appeal is *dismissed for want of jurisdiction*.

Opinion delivered April 20, 2011.

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

(DO NOT PUBLISH)