

**NO. 12-11-00287-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*GARY LYNN MCKNIGHT,  
APPELLANT*

§

*APPEAL FROM THE 159TH*

*V.*

§

*JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,  
APPELLEE*

§

*ANGELINA COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Following a guilty plea, Appellant was convicted of evading arrest. The State alleged that Appellant had a prior felony conviction, and the trial court sentenced Appellant to imprisonment for twenty years.

In a criminal case, the notice of appeal must be filed within thirty days after sentence is imposed or within ninety days after that date if a motion for new trial is filed. TEX. R. APP. P. 26.2(a). Appellant's sentence was imposed on July 15, 2011, and he did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed no later than August 15, 2011. However, Appellant did not file his notice of appeal until September 21, 2011. Because Appellant's notice of appeal was not filed on or before August 15, 2011, it was untimely, and this court has no jurisdiction of the appeal.

On November 9, 2011, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3, that his notice of appeal was untimely and there was no timely motion for an extension of time to file the notice of appeal. See TEX. R. APP. P. 26.2(a)(1), 26.3. Appellant was further informed that the appeal would be dismissed unless the information in this appeal was amended to show the jurisdiction of this court. On November 21, 2011, Appellant filed a motion

to extend the time for filing his notice of appeal to September 21, 2011. However, the motion was untimely because it was not filed on or before August 30, 2011. *See* TEX. R. APP. P. 26.3 (appellate court may extend time to file notice of appeal if, within fifteen days after deadline for filing notice of appeal, appellant files notice of appeal and motion for extension of time). Accordingly, we must overrule the motion.

Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, Appellant's motion to extend the time for filing the notice of appeal is overruled, and the appeal is *dismissed for want of jurisdiction*. *See* TEX. R. APP. P. 42.3(a).

Opinion delivered November 30, 2012.

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

(DO NOT PUBLISH)