

NO. 12-13-00325-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***ALVIN EUGENE HINES,
APPELLANT***

§ *APPEAL FROM THE 3RD*

V.

§ *JUDICIAL DISTRICT COURT*

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

§ *ANDERSON COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

Appellant was convicted of murder and sentenced to imprisonment for sixty years. We dismiss the appeal for want of jurisdiction.

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 June 6, 2013, and he did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed no later than July 8, 2013. However, Appellant did not file his notice of appeal until September 16, 2013. Because Appellant's notice of appeal was not filed on or before July 8, 2013, it was untimely, and this court has no jurisdiction of the appeal.

On October 29, 2013, this court notified Appellant that, pursuant to Texas Rules of Appellate Procedure 37.2 and 44.3, 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. In response to this notice, Appellant filed a second notice of appeal. However, this notice of appeal was also untimely. *See* TEX. R. APP. P. 26.2(a)(1). Therefore, Appellant has not established the jurisdiction of this court.

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, the appeal is ***dismissed for want of jurisdiction***. See TEX. R. APP. P. 42.3(a).

Opinion delivered November 21, 2013.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 21, 2013

NO. 12-13-00325-CR

ALVIN EUGENE HINES,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 31047)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

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