

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

JAMES RYAN PILARCIK,	§	No. 08-08-00119-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	195th District Court
	§	
THE STATE OF TEXAS,	§	of Dallas County, Texas
	§	
Appellee.	§	(TC # F-0724039-N)
	§	

MEMORANDUM OPINION

James Ryan Pilarcik appeals his conviction of unlawful possession of identifying information. We dismiss the appeal for want of jurisdiction.

On February 22, 2008, Appellant waived his right to a jury trial and entered a non-negotiated plea of guilty. The trial court assessed punishment at a fine of \$500 and confinement in the state jail for 180 days. Appellant filed notice of appeal that same day and he filed a motion for new trial on March 4, 2008. On April 27, 2008, the trial court granted Appellant's motion for a new trial on the issue of punishment, but did not permit him to withdraw his plea of guilty. The record does not reflect that the trial court has conducted a new punishment hearing or re-sentenced Appellant.

In order to perfect an appeal in a criminal case, a defendant must file notice of appeal "within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order." TEX.R.APP.P. 26.2(a)(1). We notified Appellant by letter of our intent to dismiss the appeal because the record does not reflect that a final judgment of conviction has been entered. We have received no response to our inquiry. Accordingly, we dismiss the appeal for want of jurisdiction.

October 2, 2008

ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Carr, JJ.

(Do Not Publish)