

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

OSCAR TREJO,	§	No. 08-11-00107-CR
Appellant,	§	Appeal from the
v.	§	205th District Court
THE STATE OF TEXAS,	§	of El Paso County, Texas
Appellee.	§	(TC# 20100D01573)
	§	

MEMORANDUM OPINION

Oscar Trejo is attempting to appeal his conviction for aggravated sexual assault. Because he did not file a timely notice of appeal, we dismiss the appeal.

Appellant filed his notice of appeal in the district court on April 4, 2011. According to a docketing certificate provided by the district clerk, Appellant was sentenced on February 16, 2011. On April 6, 2011, the Clerk of this Court notified Appellant of the Court's intent to dismiss the appeal for want of jurisdiction because the notice of appeal did not appear to be timely. The Clerk informed Appellant that unless he could show grounds for continuing the appeal within ten days, the appeal would be dismissed without further notice. To this date, Appellant has not responded to the Clerk's letter.

A timely notice of appeal is necessary to invoke this Court's jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Because there is no indication that a motion for new trial was filed, Appellant's notice of appeal was due to be filed within thirty days of February 16--the day sentence was imposed in open court. *See* TEX. R. APP. P. 26.2(a). To obtain an extension of time to file the notice of appeal, Appellant was required to file both the notice of appeal and a motion for

extension of time within fifteen days of the due date. *See* TEX. R. APP. P. 26.3. Appellant did not comply with this procedure. His notice of appeal, filed on April 4, was not timely. Accordingly, we dismiss the appeal for want of jurisdiction.

GUADALUPE RIVERA, Justice

May 27, 2011

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

(Do Not Publish)