

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

EDUARDO GUTIERREZ,	§	No. 08-11-00258-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	County Criminal Court No. 2
	§	
THE STATE OF TEXAS,	§	of El Paso County, Texas
	§	
Appellee.	§	(TC # 20100C05621)
	§	

MEMORANDUM OPINION

Eduardo Gutierrez attempts to appeal his conviction of driving while intoxicated. Finding that Appellant has not timely filed his notice of appeal or a motion for extension of time, we dismiss the appeal.

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). The record before us reflects that sentence was imposed in open court on June 9, 2011. Appellant did not file a motion for new trial. Therefore, his notice of appeal was due to be filed on July 9, 2011, thirty days after the date sentence was imposed in open court. *See* TEX.R.APP.P. 26.2(a)(1). Appellant did not file his notice of appeal until August 26, 2011. Consequently, he failed to perfect this appeal. Accordingly, we dismiss the appeal for want of jurisdiction.

November 2, 2011

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rivera, J., and Chew, C.J. (Senior)

Chew, C.J. (Senior), not participating

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