



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

CHRISTOPHER SMITH,	§	No. 08-14-00126-CR
Appellant,	§	Appeal from the
v.	§	County Court
THE STATE OF TEXAS,	§	of Crane County, Texas
Appellee.	§	(TC# 8016)
	§	

MEMORANDUM OPINION

Christopher Smith is attempting to appeal an order revoking his community supervision. Finding that Appellant has not timely filed his notice of appeal, we dismiss the appeal for want of jurisdiction.

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 information provided to the Court reflects that the trial court entered the order revoking Appellant's community supervision on February 27, 2014. Appellant did not file a motion for new trial. Therefore, his notice of appeal was due to be filed no later than March 29, 2014, a Saturday. *See* TEX.R.APP.P. 26.2(a)(1). Pursuant to Rule 4.1, the due date was extended to Monday, March 31, 2014. TEX.R.APP.P. 4.1(a)(providing that if the last day of a period falls on a weekend or a legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday). Appellant filed his

notice of appeal one day late on April 1, 2014. Pursuant to Rule 26.3, a court of appeals may grant an extension of time to file a notice of appeal if the notice is filed within fifteen days after the last day allowed, and within the same period, a motion is filed with the court of appeals reasonably explaining the need for the extension of time. TEX.R.APP.P. 26.3; *Olivo*, 918 S.W.2d at 522. That motion was due to be filed no later than April 13, 2014. When a notice of appeal is filed within the fifteen-day period but no timely motion for extension of time is filed, the appellate court lacks jurisdiction of the appeal. *Olivo*, 918 S.W.2d at 522. Accordingly, we dismiss the appeal for lack of jurisdiction.

GUADALUPE RIVERA, Justice

May 23, 2014

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

(Do Not Publish)