



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

BRANDON GEORGE BLEEKER,	§	No. 08-17-00142-CR
	§	
Appellant,	§	Appeal from the
	§	
V.	§	143rd District Court
	§	
THE STATE OF TEXAS,	§	of Ward County, Texas
	§	
Appellee.	§	(TC# 15-12-05672-CRW)
	§	

**MEMORANDUM OPINION**

Brandon George Bleeker is attempting to appeal from the judgment adjudicating him guilty of possession of a controlled substance. Appellant entered a plea of guilty and was placed on deferred adjudication community supervision. The State subsequently filed a motion to adjudicate and Appellant entered a plea of true. The trial court found the allegations true and assessed Appellant's punishment at a fine of \$2,000 and imprisonment for eight years. Finding that Appellant did not timely file his notice of appeal, we dismiss the appeal for lack 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). In a criminal case, a defendant's notice of appeal is due within thirty days after the sentence is imposed in open court or the trial court enters an appealable order. *See* TEX.R.APP.P. 26.2(a)(1). The deadline is extended to ninety days after the date the sentence is imposed in open court if the defendant timely files a motion for new trial. *See*

TEX.R.APP.P. 26.2(a)(2). A court of appeals may extend the time to file the notice of appeal if, within 15 days after the deadline for filing the notice of appeal, the party files in the trial court the notice of appeal, and files in the appellate court a motion complying with Rule 10.5(b). TEX.R.APP.P. 26.3. 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. *Olivo*, 918 S.W.2d at 522.

The judgment reflects that the trial court imposed sentence in open court on March 7, 2017. Appellant did not file a motion for new trial. Consequently, Appellant's notice of appeal was due to be filed no later than April 6, 2017, thirty days after the date sentence was imposed in open court. *See* TEX.R.APP.P. 26.2(a)(1). Appellant did not file the notice of appeal until May 15, 2017, more than thirty days after the deadline. Accordingly, we dismiss the appeal for lack of jurisdiction. *See Olivo*, 918 S.W.2d at 522.

July 26, 2017

ANN CRAWFORD McCLURE, Chief Justice

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

(Do Not Publish)