



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

MARCOS MORALES,	§	No. 08-19-00036-CR
	§	
Appellant,	§	Appeal from the
	§	
V.	§	346th District Court
	§	
THE STATE OF TEXAS,	§	of El Paso County, Texas
	§	
Appellee.	§	(TC# 20150D01640)
	§	

MEMORANDUM OPINION

Marcos Morales is attempting to appeal his conviction of aggravated assault with a deadly weapon. 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 judgment recites that sentence was imposed in open court on December 6, 2018. Thus, Appellant's notice of appeal was due to be filed no later than January 5, 2019, and the deadline for seeking an extension of time to file the notice of appeal was January 20, 2019. *See* TEX.R.APP.P. 26.3. Appellant filed his notice of appeal on

January 10, 2019, but he did not file an extension motion. Consequently, we dismiss the appeal for lack of jurisdiction. *See Olivo*, 918 S.W.2d at 522-23 (holding that when notice of appeal is filed within fifteen days after the deadline but without a timely motion for extension of time to file notice of appeal, appellate court must dismiss the attempted appeal for lack of jurisdiction).

February 5, 2019

YVONNE T. RODRIGUEZ, Justice

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

(Do Not Publish)