

Opinion filed April 4, 2013



In The

Eleventh Court of Appeals

No. 11-13-00082-CR

GERONIMO HERNANDEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 441st District Court

Midland County, Texas

Trial Court Cause No. CR40506

MEMORANDUM OPINION

Geronimo Hernandez has filed a pro se notice of appeal from his conviction for the offense of aggravated assault. We dismiss the appeal.

The clerk's record indicates that Hernandez's sentence was imposed on December 20, 2012, and that his pro se notice of appeal was filed in the district clerk's office on March 6, 2013. When the appeal was filed in this court, we notified Hernandez by letter that the notice of appeal appeared to be untimely. We requested that Hernandez respond on or before March 21, 2013, and show grounds to continue this appeal. We also informed him that the appeal may be dismissed for want of jurisdiction. Hernandez has not filed a response in this court.

Hernandez did not file a motion for new trial. Therefore, pursuant to TEX. R. APP. P. 26.2, his notice of appeal was due to be filed within thirty days after the date that his sentence was imposed in open court. A notice of appeal must be in writing and filed with the clerk of the trial court. TEX. R. APP. P. 25.2(c)(1). The clerk's record in this case reflects that Hernandez's notice of appeal was filed with the clerk of the trial court seventy-six days after sentence was imposed and was, therefore, untimely. Absent a timely notice of appeal, this court lacks jurisdiction to entertain an appeal. *Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108 (Tex. Crim. App. 1993). Because we have no jurisdiction, we must dismiss the appeal.

This appeal is dismissed for want of jurisdiction.

PER CURIAM

April 4, 2013

Do not publish. See TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.