

Opinion filed May 23, 2013



In The

# **Eleventh Court of Appeals**

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**No. 11-13-00138-CR**

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**JAMES ALLEN PATTERSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 42nd District Court**

**Taylor County, Texas**

**Trial Court Cause No. 18,780-A**

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## **MEMORANDUM OPINION**

The trial court convicted James Allen Patterson of the offense of burglary of a habitation and assessed his punishment pursuant to the terms of a plea agreement at confinement for twenty-six years. We dismiss the appeal.

The clerk's record shows that Appellant's sentence was imposed on February 18, 1998, and that no motion for new trial was filed. Appellant's pro se

notice of appeal was filed on April 29, 2013, more than fifteen years after the date sentence was imposed. This court notified Appellant by letter dated April 30, 2013, that the notice of appeal appeared to be untimely. We requested that Appellant respond on or before May 15, 2013, showing grounds for continuing this appeal. We also informed Appellant that the appeal may be dismissed for want of jurisdiction.

In response to our letter, Appellant filed a motion in this court requesting an extension of time in which to file his notice of appeal. Pursuant to TEX. R. APP. P. 26.2(a)(1), the notice of appeal must be filed within thirty days after the day sentence is imposed. For an extension, TEX. R. APP. P. 26.3 mandates that the notice of appeal and the motion for extension must be filed within fifteen days after the deadline for filing the notice of appeal. Absent a timely filed notice of appeal or the granting of a timely motion for extension of time, we do not have jurisdiction to entertain the 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). We have no jurisdiction to grant Appellant's untimely motion for extension. *See Olivo*, 918 S.W.2d 519.

Accordingly, Appellant's motion for extension of time to file his notice appeal is overruled, and the appeal is dismissed for want of jurisdiction.

PER CURIAM

May 23, 2013

Do not publish.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

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