

Opinion filed December 19, 2013



In The

Eleventh Court of Appeals

No. 11-13-00331-CR

FRANK JIMENEZ ARACARDO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 104th District Court

Taylor County, Texas

Trial Court Cause No. 18921B

MEMORANDUM OPINION

Frank Jimenez Aracardo, Appellant, filed an untimely pro se notice of appeal from his conviction for the offense of burglary of a habitation. We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence was imposed on August 2, 2013, and that his pro se notice of appeal was filed in the district clerk's office on November 5, 2013. When the appeal was filed in this

court, we notified Appellant by letter that the notice of appeal appeared to be untimely and that the trial court had certified that Appellant had no right of appeal. We requested that Appellant respond on or before November 27, 2013, and show grounds to continue this appeal. We also informed him that the appeal may be dismissed. Appellant has not responded.

Pursuant to TEX. R. APP. P. 26.2, Appellant's 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). Appellant's notice of appeal was filed with the clerk of the trial court ninety-five days after sentence was imposed and was, therefore, untimely. 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). Because we have no jurisdiction, we must dismiss the appeal.

This appeal is dismissed for want of jurisdiction.

PER CURIAM

December 19, 2013

Do not publish.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

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