

Opinion filed November 14, 2014



In The

# **Eleventh Court of Appeals**

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No. 11-14-00279-CR

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**FRANKLIN LEE RAY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 238th District Court**

**Midland County, Texas**

**Trial Court Cause No. CR39139**

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## **MEMORANDUM OPINION**

Franklin Lee Ray, Appellant, filed an untimely pro se notice of appeal from his conviction for the offense of burglary of a habitation with intent to commit assault. We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence was imposed on April 18, 2013, and that his pro se notice of appeal was filed in the district clerk's office on October 13, 2014. When the appeal was filed in this

court, we notified Appellant by letter that the notice of appeal appeared to be untimely. We requested that Appellant respond and show grounds to continue this appeal. We also informed him that the appeal may be dismissed. Appellant has filed a response but has not shown grounds to continue.

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 543 days after his 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

November 14, 2014

Do not publish.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

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