

Opinion filed December 19, 2014



In The

Eleventh Court of Appeals

No. 11-14-00337-CR

CHRISTOPHER LYNN CANTRELL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 35th District Court

Brown County, Texas

Trial Court Cause No. CR22691

MEMORANDUM OPINION

Christopher Lynn Cantrell, Appellant, filed an untimely notice of appeal from his conviction for the offense of aggravated sexual assault of an elderly person. We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence was imposed on September 26, 2014, and that his notice of appeal was filed in the district clerk's office on November 10, 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.¹ We also informed him that the appeal may be dismissed for want of jurisdiction.

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, not thirty days after the date that the trial court signed the judgment of conviction. *See Rodarte v. State*, 860 S.W.2d 108 (Tex. Crim. App. 1993). 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 forty-five days after his sentence was imposed and was, therefore, untimely. Furthermore, Appellant did not file a timely motion for extension. *See* TEX. R. APP. P. 26.3(b). 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*, 860 S.W.2d at 110. Because we have no jurisdiction, we must dismiss the appeal.

This appeal is dismissed for want of jurisdiction.

PER CURIAM

December 19, 2014

Do not publish.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

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

¹Appellant has since sent this court a courtesy copy of an application for writ of habeas corpus in which he is seeking permission to file an out-of-time appeal.