

Opinion filed October 31, 2018



In The
Eleventh Court of Appeals

Nos. 11-18-00254-CR & 11-18-00255-CR

VICTOR RANDY LOZANO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 29th District Court
Palo Pinto County, Texas
Trial Court Cause Nos. 16065A & 15990**

MEMORANDUM OPINION

Appellant has filed untimely notices of appeal in these causes. Appellant attempts to appeal two felony convictions. We dismiss the appeals.

The documents on file in these cases indicate that Appellant's sentences were imposed on August 4, 2017, and that his notices of appeal were filed in the district clerk's office on September 17, 2018. Pursuant to Rule 26.2(a) of the Texas Rules of Appellate Procedure, a notice of appeal is due to be filed either (1) within thirty days after the date that sentence is imposed in open court or (2) if the defendant

timely files a motion for new trial, within ninety days after the date that sentence is 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 documents on file in this court reflect that Appellant's notices of appeal were filed more than one year after his sentences were imposed. The notices of appeal were, therefore, untimely. Absent timely filed notices of appeal or the granting of timely motions for extension of time, we do not have jurisdiction to entertain these appeals. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993).

When the appeals were filed in this court, we notified Appellant by letter that the notices of appeal appeared to be untimely and that the appeals may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Appellant filed a response in each cause, but he has not shown any grounds upon which this court may continue the appeals. We have considered Appellant's responses; however, we are without authority to proceed with these appeals or to grant a request to continue with an out-of-time appeal. *See Slaton*, 981 S.W.2d at 210.

Accordingly, we dismiss these appeals for want of jurisdiction.

PER CURIAM

October 31, 2018

Do not publish.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

Panel consists of: Bailey, C.J.,
Willson, J., and Wright, S.C.J.¹

Willson, J., not participating

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.