

Opinion filed August 30, 2019



In The  
**Eleventh Court of Appeals**

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No. 11-19-00242-CR

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**JORDAN ASHLEY BENTON, 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. 27710A**

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**MEMORANDUM OPINION**

Jordan Ashley Benton has filed an untimely notice of appeal in this cause. She attempts to appeal from an order of deferred adjudication for the offense of possession of heroin. We dismiss the appeal.

The documents on file in this case indicate that the trial court entered the order of deferred adjudication on May 17, 2019. 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 or suspended in open court or an

appealable order is entered or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed or suspended 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 pro se notice of appeal was filed in the district clerk's office on July 26, 2019, seventy days after the trial court entered the order deferring the adjudication of her guilt and placing her on deferred adjudication community supervision. The district clerk's office indicated that no motion for new trial was filed in this cause. Appellant's notice of appeal was therefore due on June 17, 2019. 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 this appeal. *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).

On July 26, 2019, 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 appeal may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Appellant has not filed a response showing grounds upon which this appeal may proceed.

We dismiss this appeal for want of jurisdiction.

August 30, 2019

PER CURIAM

Do not publish.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

Panel consists of: Bailey, C.J.,  
Stretcher, J., and Wright, S.C.J.<sup>1</sup>

Willson, J., not participating.

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