

**DISMISS; Opinion Filed July 30, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-13-00148-CR**

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**ERNESTO CANTU, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Criminal Court of Appeals No. 1  
Dallas County, Texas  
Trial Court Cause No. MC-11-R-0006-D**

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**MEMORANDUM OPINION**

Before Justices Lang, Myers, and Evans  
Opinion by Justice Lang

A Coppell municipal court jury convicted Ernesto Cantu of class C misdemeanor theft and assessed a \$500 fine. *See* TEX. PENAL CODE ANN. §§ 12.23 (West 2011), 31.03(a),(e)(1)(A) (West Supp. 2012). Cantu appealed to the Dallas County Criminal Court of Appeals, which issued a judgment on October 3, 2012 affirming the municipal court's judgment. Cantu did not file a motion for new trial, making his notice of appeal due no later than November 2, 2012 or, with an extension motion, no later than November 19, 2012. *See* TEX. RS. APP. P. 4.1(a), 26.2(a), 26.3. Cantu's notice of appeal, however, was not filed until December 5, 2012.

A timely notice of appeal is essential to vest this Court with jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam). Because Cantu's notice of appeal was untimely, we lack jurisdiction over this appeal and dismiss. *See* TEX. R. APP. P. 43.2(f).

/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE

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TEX. R. APP. P. 47  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

ERNESTO CANTU, Appellant

No. 05-13-00148-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Criminal Court  
of Appeals No. 1, Dallas County, Texas  
Trial Court Cause No. MC-11-R-0006-D.  
Opinion delivered by Justice Lang. Justices  
Myers and Evans participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 30th day of July, 2013.

/Lana Myers/  
DOUGLAS S. LANG  
JUSTICE