

DISMISS; and Opinion Filed December 27, 2017.



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

No. 05-17-01381-CR

**GERALD ADRIAN KNUDSEN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 363rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-1424011-W**

MEMORANDUM OPINION

Before Justices Bridges, Myers, and Schenck
Opinion by Justice Schenck

Gerald Adrian Knudsen was charged with aggravated sexual assault of a child younger than fourteen years of age. On December 16, 2015, the trial court placed appellant on deferred adjudication for eight years. Thereafter, the State filed a motion to proceed with adjudication of guilt. On March 20, 2017, the trial court found appellant guilty and sentenced him to six years' imprisonment. Appellant filed a pro se notice of appeal on November 30, 2017.

A timely perfected notice of appeal is required to invoke this Court's jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam). In the absence of a timely perfected notice of appeal, the Court can take no action other than to dismiss the appeal. *Id.* A defendant perfects his appeal by filing with the trial court clerk, within thirty days after the date sentence was imposed, or within ninety days after sentencing if the defendant timely filed a motion

for new trial, a written notice of appeal showing his or her desire to appeal. *See* TEX. R. APP. P. 25.2(b), (c), 26.2(a). Because appellant did not file a motion for a new trial, his notice of appeal was due by April 19, 2017. Appellant, however, filed his notice of appeal on November 30, 2017, outside the time contemplated by rule 26.2. Appellant's untimely notice of appeal leaves us without jurisdiction over the appeal. *See Slaton*, 981 S.W.2d at 210.

We dismiss the appeal for want of jurisdiction.

/David J. Schenck/
DAVID J. SCHENCK
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)

171381F.U05



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

JUDGMENT

GERALD ADRIAN KNUDSEN, Appellant

No. 05-17-01381-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. F-1424011-W.

Opinion delivered by Justice Schenck.

Justices Bridges and Myers participating.

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

Judgment entered this 27th day of December, 2017.