

DISMISS; and Opinion Filed February 15, 2018.



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

No. 05-17-00808-CV

**DONNY JOE CURRY, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 196th District Court
Hunt County, Texas
Trial Court Cause No. 82615**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

By letter dated January 12, 2018, this Court questioned its jurisdiction over this appeal as it appeared the notice of appeal was untimely. We instructed appellant to file, by February 1, 2018, a letter brief addressing our concern with an opportunity for appellee to respond. We cautioned appellant that failure to file a letter brief by the date specified may result in dismissal of the appeal without further notice. As of today's date, appellant has not filed the requested letter brief.

When no timely post-judgment motion extending the appellate timetable is filed, a notice of appeal is due thirty days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

The trial court signed the appealed order on March 17, 2017. Appellant did not file a timely post-judgment motion extending the appellate deadline. Accordingly, the notice of appeal was due on Monday, April 17, 2017. *See* TEX. R. APP. P. 4.1(a); 26.1. Appellant filed a notice of appeal on June 16, 2017, sixty days past the deadline. Because the notice of appeal was untimely, we dismiss the appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

DONNY JOE CURRY, Appellant

No. 05-17-00808-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the 196th District Court,
Hunt County, Texas

Trial Court Cause No. 82615.

Opinion delivered by Chief Justice Wright.

Justices Evans and Brown participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee THE STATE OF TEXAS recover its costs of this appeal from appellant DONNY JOE CURRY.

Judgment entered this 15th day of February, 2018.