

Dismissed; Opinion Filed June 7, 2018.



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

No. 05-18-00505-CR

**CHRISTOPHER SEAN LYTLE, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 59th Judicial District Court
Grayson County, Texas
Trial Court Cause No. 057862**

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Schenck
Opinion by Justice Evans

Christopher Sean Lytle was convicted on August 5, 2010 by a jury of aggravated sexual assault of a child younger than fourteen years of age and sentenced to thirty-one years in prison. He then filed an appeal with this Court in which he claimed he was denied his Sixth Amendment right to confrontation. We affirmed his conviction in an opinion dated January 31, 2012; our mandate issued June 15, 2012. On May 2, 2018, appellant filed a notice of appeal, seeking to challenge the trial court's denial of his motion for new trial. In his notice of appeal, he states he filed a motion for new trial alleging newly discovered evidence and that the trial court denied his motion on April 17, 2018.

An appellate court has jurisdiction to determine an appeal only if the appeal is authorized by law. *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008). When the appellate

court's jurisdiction is not legally invoked, the court's power to act is as absent as if it did not exist. *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996). Appellate courts may consider criminal appeals only after conviction or the entry of a narrow set of appealable interlocutory orders. TEX. R. APP. P. 26.2(a)(1); *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

The denial of an untimely filed motion for new trial is not a separately appealable order. Because this appeal does not fall within the exceptions to the general rule that an appeal may be taken only from a final judgment of conviction, we conclude we have no jurisdiction.

We dismiss this appeal for want of jurisdiction.

/David Evans/

DAVID EVANS
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

CHRISTOPHER SEAN LYTLE, Appellant

No. 05-18-00505-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 59th Judicial District
Court, Grayson County, Texas
Trial Court Cause No. 057862.
Opinion delivered by Justice Evans,
Justices Lang-Miers and Schenck
participating.

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

Judgment entered this 7th day of June, 2018.