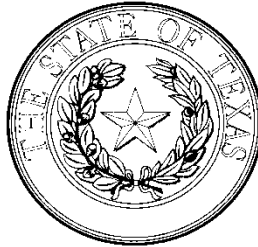


Opinion issued March 31, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00013-CR

MARLON ONEIKE GREEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Case No. 1376204**

MEMORANDUM OPINION

Appellant, Marlon Oneike Green, is attempting to appeal his October 1, 2014 conviction for aggravated robbery with a deadly weapon. Appellant is

represented by appointed counsel, Hattie Sewell Shannon, who filed an *Anders* brief on behalf of appellant.¹

In reviewing the record, we calculate that appellant's notice of appeal was due on or before October 31, 2014. *See* TEX. R. APP. P. 26.2(a). Appellant's notice of appeal, which contains a certificate of service dated December 15, 2014, was not filed until December 23, 2014. This Court issued notice on January 26, 2016, informing appellant that his notice of appeal was late and might be dismissed unless he filed a response showing grounds for continuing this appeal. On March 7, 2015, appellant filed a letter, claiming he was indigent and in need of appointed counsel. However, appellant already has appointed counsel. Appellant's response does not address the untimely-filed notice of appeal. No other response has been received.

We conclude that appellant's notice of appeal was untimely. *See* TEX. R. APP. P. 9.2(b), 26.2(a); *Durbin v. State*, No. 05–12–00355–CR, 2012 WL 1501415 (Tex. App.—Dallas April 30, 2012, no pet.) (dismissing appeal when notice of appeal was postmarked and file-stamped after deadline, appellant failed to show when notice was delivered to prison authorities, and appellant failed to respond to State's motion to dismiss); *Torres v. State*, No. 05–11–00879–CR, 2012 WL 387859, at *1 (Tex. App.—Dallas Feb. 8, 2012, no pet.) (not designated for

¹ In the *Anders* brief, appointed counsel failed to address the untimely notice of appeal.

publication) (dismissing appeal for lack of jurisdiction when notice was file-stamped after deadline, record failed to show that notice was mailed by deadline, and appellant did not respond to court's request for brief addressing court's jurisdiction).

Because appellant's notice of appeal was untimely, we have no basis for jurisdiction over this appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Accordingly, we dismiss the appeal for want of jurisdiction. We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Massengale, and Huddle.

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