

Opinion issued January 25, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-17-00853-CR

JOSE REBOLLAR, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Case No. 79177-CR (Count I and II)**

MEMORANDUM OPINION

Appellant is attempting to appeal his conviction of the offense of prohibited substance in a correctional facility (count 1) and possession of a controlled substance (count 2). Appellant was sentenced to two years' incarceration for count 1 and eight years' incarceration for count 2. The two sentences were to run concurrently. The

judgment of conviction was signed on June 20, 2017. Appellant filed a pro se notice of appeal on November 1, 2017.

In criminal cases, the notice of appeal must be filed within 30 days of the date sentence is imposed or the trial court enters an appealable order. TEX. R. APP. P. 26.2(a)(1). The notice of appeal is due within 90 days after the date sentence is imposed if the defendant filed a timely motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). A motion for new trial is timely if it is filed no later than 30 days after the trial court imposes sentence. *See* TEX. R. APP. P. 21.4(a).

Appellant did not file a motion for new trial and thus, his notice of appeal was due within 30 days after sentence was imposed or by June 20, 2017. Appellant's notice of appeal, filed on November 1, 2017, was untimely filed.

A timely notice of appeal is required to invoke our appellate jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Because appellant did not file a timely notice of appeal, we have no jurisdiction to entertain this appeal.

Accordingly, we dismiss the appeal for want of jurisdiction. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Jennings, Massengale, and Caughey.

Do not publish.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