

*Court of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-11-00411-CR

Kristi **TEBO**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 437th Judicial District Court, Bexar County, Texas  
Trial Court No. 2008CR42608  
Honorable Lori I. Valenzuela, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Marialyn Barnard, Justice

Delivered and Filed: August 24, 2011

DISMISSED

The trial court imposed sentence on May 11, 2011, and appellant did not file a motion for new trial. The deadline for filing a notice of appeal was therefore June 10, 2011. TEX. R. APP. P. 26.2(a)(1). A notice of appeal was not filed until June 13, 2011, and the record does not include any envelope establishing the notice of appeal was mailed pursuant to rule 9.2. *See id.* R. 9.2. Appellant did not file a timely motion for extension of time to file the notice of appeal. *See* TEX. R. APP. P. 26.3.

On July 13, 2011, we issued an order requiring appellant to file with this court, on or before August 2, 2011, a response establishing the notice of appeal was timely filed by mail, or otherwise showing cause why the appeal should not be dismissed for want of jurisdiction. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996 (holding that timely notice of appeal is necessary to invoke court of appeals' jurisdiction)). We advised appellant that if she failed to satisfactorily respond within the time provided, the appeal would be dismissed. Appellant did not file a response.

Because the notice of appeal in this case was not timely filed, we lack jurisdiction to entertain the appeal. *See id.*; *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991) (explaining that writ of habeas corpus pursuant to article 11.07 of Texas Code of Criminal Procedure governs out-of-time appeals from felony convictions). Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

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