

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



MEMORANDUM OPINION

No. 04-12-00345-CR

Robert Patrick **WHITE**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 437th Judicial District Court, Bexar County, Texas
Trial Court No. 2008-CR-4260C
Honorable Lori I. Valenzuela, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: July 25, 2012

DISMISSED FOR LACK OF JURISDICTION

The trial court imposed sentence on June 7, 2011. Because appellant did not file a motion for new trial, the notice of appeal was due to be filed July 7, 2011. Tex. R. App. P. 26.2(a)(1). A motion for extension of time to file the notice of appeal was due on July 22, 2011. Tex. R. App. P. 26.3. Appellant filed a “Notice of Out-of-Time Appeal” on May 17, 2012. Appellant did not file a motion for extension of time. On June 13, 2012, this court ordered appellant to show cause in writing no later than July 13, 2012 why this appeal should not be

dismissed for lack of jurisdiction. Appellant did not file a response. This court lacks jurisdiction over an appeal of a criminal conviction in the absence of a timely, written notice of appeal. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *Shute v. State*, 744 S.W.2d 96, 97 (Tex. Crim. App. 1988); *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (out-of-time appeal from felony conviction may be sought by filing a writ of habeas corpus pursuant to Texas Code of Criminal Procedure article 11.07). This appeal is therefore dismissed for lack of jurisdiction.

PER CURIAM

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