

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



MEMORANDUM OPINION

No. 04-12-00422-CR

Larry TAVITAS,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 226th Judicial District Court, Bexar County, Texas
Trial Court No. 2011CR8818
Honorable Sid L. Harle, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: August 22, 2012

DISMISSED FOR WANT OF JURISDICTION

Appellant Larry Tavitas was sentenced on December 1, 2011. Because he did not file a motion for new trial, appellant's notice of appeal was due to be filed no later than January 3, 2012. *See* TEX. R. APP. P. 26.2(a). Our records show (1) the notice of appeal was not filed until July 6, 2012, and (2) no motion for extension of time was timely filed. *See id.* R. 26.3.

On July 19, 2012, we ordered appellant to show cause in writing by August 3, 2012, why his appeal should not be dismissed for want of jurisdiction.¹ To date, this court has not received any response to the order.

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) (“A timely notice of appeal is necessary to invoke a court of appeals’ jurisdiction.”); *Shute v. State*, 744 S.W.2d 96, 97 (Tex. Crim. App. 1988). Accordingly, this appeal is dismissed for want of jurisdiction.

PER CURIAM

DO NOT PUBLISH

¹ The trial court’s certification in this appeal states that “this criminal case is a plea-bargain case, and the defendant has NO right of appeal.” We must dismiss an appeal “if a certification that shows the defendant has a right of appeal has not been made part of the record.” *See* TEX. R. APP. P. 25.2(d).