

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



**MEMORANDUM OPINION**

No. 04-12-00535-CR

John Michael **LERMA**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 437th Judicial District Court, Bexar County, Texas  
Trial Court No. 2008CR2859  
Honorable Philip Kazen, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 24, 2012

DISMISSED FOR WANT OF JURISDICTION

The trial court imposed sentence on John Michael Lerma on May 21, 2012, and signed the judgment the next day. A motion for new trial was due on June 20, 2012; it was filed on June 21, 2012. *See* TEX. R. APP. P. 21.4(a) (“The defendant may file a motion for new trial before, but no later than 30 days after, the date when the trial court imposes or suspends sentence in open court.”); *Rodarte v. State*, 840 S.W.2d 781, 784–85 (Tex. App.—San Antonio 1992), *aff’d*, 860 S.W.2d 108 (Tex. Crim. App. 1993). Without a timely filed motion for new trial, the

notice of appeal was due on June 20, 2012. *See* TEX. R. APP. P. 26.2(a). Appellant filed his notice of appeal on August 21, 2012.

The appellate record does not show that the appellant's notice of appeal was timely filed. On September 17, 2012, we ordered appellant to show cause in writing by October 2, 2012, why his appeal should not be dismissed for want of jurisdiction. To date, this court has not received any response to our 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

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