



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00631-CR

Irma Leyva **YOUNG**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2006CR4628
Honorable Maria Teresa Herr, Judge Presiding

PER CURIAM

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

Delivered and Filed: November 21, 2012

DISMISSED

The trial court imposed sentence on June 6, 2012, and appellant did not file a motion for new trial. Therefore, the deadline for filing a notice of appeal was July 6, 2012. *See* TEX. R. APP. P. 26.2(a)(1). Appellant did not file a notice of appeal until September 26, 2012, and did not file a motion for extension of time to file the notice of appeal. *See* TEX. R. APP. P. 26.3.

On October 3, 2012, we issued an order advising appellant that her notice of appeal appeared to be untimely and advising her to show cause on or before November 2, 2012, why this appeal should not be dismissed for want of jurisdiction. We further advised appellant that if

she failed to satisfactorily respond by November 2, 2012, we would dismiss the appeal for want of jurisdiction. 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 Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *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 the 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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