



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00656-CR

Edward **HERNANDEZ**, Jr.,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2011-CR-8580
Honorable Raymond Angelini, Judge Presiding

PER CURIAM

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

Delivered and Filed: December 5, 2012

DISMISSED FOR LACK OF JURISDICTION

The trial court imposed or suspended sentence on April 30, 2012. Because appellant did not file a motion for new trial, the notice of appeal was due to be filed May 30, 2012. Tex. R. App. P. 26.2(a)(1). A motion for extension of time to file the notice of appeal was due on June 14, 2012. Tex. R. App. P. 26.3. Appellant filed his notice of appeal on October 13, 2012. Appellant did not file a motion for extension of time. Accordingly, on November 5, 2012, this court ordered appellant to show cause in writing no later than November 15, 2012 why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond.

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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