



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00868-CR

Richard B. **SCHILLER**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2011CR1634
Honorable Melisa Skinner, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Sandee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 20, 2013

DISMISSED FOR LACK OF JURISDICTION

In this case, the trial court imposed sentence on September 27, 2012. A motion for new trial was thus due to be filed on October 29, 2012. *See* TEX. R. APP. P. 21.4(a). Appellant, however, did not file his motion for new trial until October 31, 2012. Because appellant did not timely file a motion for new trial, the notice of appeal was due to be filed on October 29, 2012. TEX. R. APP. P. 26.2(a). A motion for extension of time to file the notice of appeal was due on November 13, 2012. TEX. R. APP. P. 26.3. Appellant, however, did not file his notice of appeal

until December 26, 2012. Appellant did not file a motion for extension of time to file his notice of appeal.

We, therefore, ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant failed to respond. We therefore dismiss this appeal for lack of jurisdiction.

PER CURIAM

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