



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00061-CR

Tino CARTER,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 8, Bexar County, Texas
Trial Court No. 403368
The Honorable Liza Rodriguez, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: February 27, 2013

DISMISSED FOR LACK OF JURISDICTION

The trial court imposed or suspended sentence on November 7, 2012. The notice of appeal was due to be filed on December 7, 2012. TEX. R. APP. P. 26.2(a)(1). A motion for extension of time to file the notice of appeal was due on December 27, 2012. TEX. R. APP. P. 26.3. Appellant filed a notice of appeal on January 4, 2013, and a motion for extension of time on January 4, 2013. Therefore, this court ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction.

On February 20, 2013, appellant's attorney filed a response in which counsel agreed the notice of appeal was not timely and this court lacked jurisdiction over the appeal. Accordingly, we dismiss this appeal for lack of jurisdiction. *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).

PER CURIAM

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