



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00088-CR

Kurt Conrad **MILLER**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2012CR8700
Honorable Maria Teresa Herr, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and Filed: March 5, 2014

DISMISSED FOR LACK OF JURISDICTION

The trial court imposed sentence in the underlying cause on August 16, 2013. Appellant filed a timely notice of appeal on September 5, 2013; however, this court dismissed the appeal because the underlying cause was a plea-bargain case, and the trial court's certification showed the appellant did not have the right to appeal. *See Miller v. State*, No. 04-13-00603-CR, 2013 WL 5575469 (Tex. App.—San Antonio Oct. 9, 2013, no pet.).

After this court's mandate issued on December 11, 2013, the appellant filed a second notice of appeal on January 29, 2014, stating an intent to appeal a sentence imposed on January 15, 2014.

As previously noted, however, sentence was imposed in the underlying cause on August 16, 2013, and appellant's timely appeal of the trial court's judgment was dismissed.

On February 10, 2014, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (court of appeals' jurisdiction invoked only by timely notice of appeal). Appellant filed a written response stating his desire to "repeal [his] signing of the plea bargain agreement." Appellant states he would like his plea bargain agreement changed from two years of community supervision to two years of incarceration. This court has no jurisdiction to consider any issues relating to the trial court's judgment and sentence in the absence of a timely notice of appeal. Because appellant did not have the right to appeal, his prior timely appeal was dismissed; and because appellant's second notice of appeal was not timely filed, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH