



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-15-00719-CR

Matthew **WHITE**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 399th Judicial District Court, Bexar County, Texas  
Trial Court No. 2014CR8425B  
Honorable Ray Olivarri, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: January 6, 2016

APPEAL DISMISSED FOR WANT OF JURISDICTION

The trial court imposed sentence on May 27, 2015, and appellant did not file a motion for new trial. Therefore, the notice of appeal was due June 26, 2015. *See* TEX. R. APP. P. 26.2(a)(1). A notice of appeal was not filed until November 12, 2015, and appellant did not file a motion for extension of time to file the notice of appeal. *See id.* R. 26.3.

We therefore ordered appellant to file a written response in this court showing cause why this appeal should not be dismissed for want of jurisdiction. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (holding that timely notice of appeal is necessary to invoke court of

appeals' jurisdiction). We advised appellant that if he failed to satisfactorily respond, the appeal would be dismissed. Appellant did not file a response establishing this court's jurisdiction.

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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