



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00321-CR

Roy Gene **NEWMAN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 25th Judicial District Court, Guadalupe County, Texas
Trial Court No. 13-2536-CR-C
The Honorable William Old, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: July 13, 2016

DISMISSED FOR LACK OF JURISDICTION

Appellant was sentenced on June 15, 2015. Appellant's notice of appeal was therefore due on July 15, 2015. *See* TEX. R. APP. P. 26.2(a)(1). Appellant did not file his notice of appeal until May 11, 2016.

A timely notice of appeal is necessary to invoke this court's jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). A late notice of appeal may be considered timely so as to invoke our jurisdiction if (1) it is filed in the trial court within fifteen days of the last day allowed for filing; (2) a motion for

extension of time is filed in the court of appeals within fifteen days of the last day allowed for filing the notice of appeal; and (3) the court of appeals grants the motion for extension of time. TEX. R. APP. P. 26.3. Because appellant did not satisfy these requirements, we ordered him to show cause why this appeal should not be dismissed for lack of jurisdiction. No such response was filed.

This appeal is therefore dismissed for lack of jurisdiction.¹

PER CURIAM

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¹Additionally, the clerk's record, which contains a trial court certification stating this is a plea-bargain case and the defendant has no right of appeal, shows this is a plea bargain case and appellant has no right to appeal. *See* TEX. R. APP. P. 25.2(a)(2). Thus, even if a timely notice of appeal had been filed, this appeal would be subject to dismissal under Texas Rule of Appellate Procedure 25.2(d). *See* TEX. R. APP. P. 25.2(d).