



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00416-CR

Melchor **HAWKINS**, Jr.,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 79th Judicial District Court, Jim Wells County, Texas
Trial Court No. 06-01-11872CR
Honorable Robert C. Pate, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: August 22, 2018

DISMISSED FOR LACK OF JURISDICTION

On December 27, 2017, appellant filed a notice of appeal complaining of the trial court's "Order of Dismissal for Lack of Subject Matter Jurisdiction" signed on September 15, 2017.¹ Absent a timely motion for new trial, the notice of appeal was due October 16, 2017. *See* TEX. R. APP. P. 26.2(a)(1). Appellant's notice of appeal was thus filed over two months late. Absent a timely notice of appeal, this court lacks jurisdiction over the appeal. *See Slaton v. State*, 981

¹ Appellant states in his notice of appeal that he is appealing cause numbers 06-01-11872CR and 06-01-11867CR; however, the order of dismissal only pertains to cause number 06-01-11872CR.

S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

Accordingly, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response but failed to demonstrate that our jurisdiction has been invoked. Accordingly, we dismiss the appeal for lack of jurisdiction.

PER CURIAM

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