



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00655-CR

Martin **HERRERA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 144th Judicial District Court, Bexar County, Texas
Trial Court No. 2017CR8710A
Honorable Sid L. Harle, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 24, 2018

DISMISSED FOR LACK OF JURISDICTION

Appellant filed a notice of appeal in the underlying cause on September 4, 2018. A clerk's record was filed on September 14, 2018, and the docket sheet reflects that appellant is still awaiting sentencing. Because the trial court has not imposed sentence in the underlying cause, we have no jurisdiction to consider this appeal. *See* TEX. R. APP. P. 26.2 (providing appellate deadlines run from the day sentence is imposed or suspended in open court).

By order dated September 19, 2018, we ordered appellant to show cause in writing by October 3, 2018, why this appeal should not be dismissed for lack of jurisdiction. Appellant did

not respond to our order. Because the record reflects appellant is still awaiting sentencing, this appeal is dismissed for lack of jurisdiction. *See id.*

PER CURIAM

DO NOT PUBLISH