



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00476-CR

Mario Alberto **ALEJOS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 14, Bexar County, Texas
Trial Court No. 566141
Honorable Carlo Key, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: October 21, 2020

APPEAL DISMISSED FOR LACK OF JURISDICTION

The trial court imposed sentence in the underlying cause on June 13, 2018. A motion for new trial or a notice of appeal was due on July 13, 2018. TEX. R. APP. P. 26.2(a)(1). Appellant filed a pro se notice of appeal and motion for new trial on September 11, 2020.

A timely notice of appeal is necessary to invoke a court of appeals' jurisdiction. *See 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 a court of appeals' jurisdiction if (1) it is filed 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. *See id.* Having reviewed the record, it appeared the notice of appeal was untimely filed.

Therefore, on September 25, 2020, this court ordered appellant to show cause in writing no later than October 2, 2020, why this appeal should not be dismissed for lack of jurisdiction. *See id.*; *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991) (out-of-time appeal from final felony conviction may be sought by filing a writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure). Our order cautioned appellant that if he did not timely respond, this appeal would be dismissed for lack of jurisdiction.

Appellant has not responded; therefore, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

Do not publish