



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00496-CR

Jonathan Andrew **BRUECKEL**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 399th Judicial District Court, Bexar County, Texas
Trial Court No. 2020CR9293W
Honorable Frank J. Castro, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice
Patricia O. Alvarez, Justice
Lori I. Valenzuela, Justice

Delivered and Filed: December 22, 2021

APPEAL DISMISSED FOR LACK OF JURISDICTION

The trial court suspended appellant's sentence on September 30, 2020, and placed him on community supervision. The trial court signed orders amending appellant's community supervision on June 29, 2021 and on August 31, 2021. Appellant filed a pro se notice of appeal on November 5, 2021, in which he refers to the June 29, 2021, order. Assuming without deciding the June 29, 2021 order is an appealable order and because appellant did not file a motion for new trial, his notice of appeal was due on July 29, 2021. TEX. R. APP. P. 26.2(a)(1).

“A timely notice of appeal is necessary to invoke the jurisdiction of this Court.” *Taylor v. State*, 424 S.W.3d 39, 43 (Tex. Crim. App. 2014). “A defendant’s notice of appeal is timely if filed within thirty days after the day sentence is imposed or suspended, or within ninety days after sentencing if the defendant timely files a motion for new trial.” *Id.* (citing TEX. R. APP. P. 26.2(a)(1)). Because appellant did not timely file a notice of appeal, it appeared we lack jurisdiction over this appeal. Therefore, on November 16, 2021, we ordered appellant to show cause in writing, no later than November 30, 2021, why this appeal should not be dismissed for lack of jurisdiction. Our order cautioned appellant that if he failed to respond by November 30, 2021, this appeal would be dismissed.

Appellant has not responded; therefore, we dismiss this appeal for lack of jurisdiction.

PER CURIAM

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