

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00090-CR

SALVADOR TORRES MIJARES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 17-27313

MEMORANDUM OPINION

The trial court sentenced Salvador Torres Mijares on January 8, 2018. In a criminal case, the appeal must be filed within thirty days of the date the sentence is imposed, or within ninety days if the defendant timely files a motion for new trial. Tex. R. App. P. 26.2(a)(1). Mijares did not file a motion for new trial within thirty days of sentencing. Therefore, his notice of appeal was due to be filed on February 7, 2018. Mijares filed a notice of appeal on March 5, 2018. We notified the parties that Mijares filed his notice of appeal too late to perfect an appeal. *See* Tex. R. App.

P. 25.2(b) (“In a criminal case, appeal is perfected by timely filing a sufficient notice of appeal.”). No response has been filed.

The Court finds that the notice of appeal was not timely filed. *See* Tex. R. App. P. 26.2(a)(1). Mijares also did not file a motion for extension of time to file his appeal. *See* Tex. R. App. P. 26.3. “If a notice of appeal is not timely filed, the court of appeals has no option but to dismiss the appeal for lack of jurisdiction.” *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). Accordingly, we dismiss the appeal for lack of jurisdiction

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on April 10, 2018
Opinion Delivered April 11, 2018
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.