

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-18-00254-CR**

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**BENITO GARZA JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 435th District Court  
Montgomery County, Texas  
Trial Cause No. 17-01-01105-CR**

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**MEMORANDUM OPINION**

The trial court sentenced Benito Garza Jr. on September 14, 2017. In a criminal case, the notice of 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). Garza's notice of appeal was signed on May 29, 2018, postmarked on June 4, 2018, and filed on June 28, 2018. Garza did not file a motion for extension of time to file his notice of appeal. *See* Tex. R. App. P. 26.3. We notified the parties that Garza 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.”). Garza did not respond to this Court’s notice.

Garza failed to file a notice of appeal within the time permitted for perfecting an appeal. *See* Tex. R. App. P. 26.2(a). “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.

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HOLLIS HORTON  
Justice

Submitted on August 14, 2018  
Opinion Delivered August 15, 2018  
Do Not Publish

Before Kreger, Horton and Johnson, JJ.