

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00035-CR
NO. 09-23-00036-CR

BRITTANY NICOLE LITCHFIELD, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause Nos. 21-37098 and 21-37099

MEMORANDUM OPINION

On December 12, 2022, the trial court sentenced Brittany Nicole Litchfield on separate indictments for abandoning a child, but suspended imposition of the sentences and placed Litchfield on community supervision. *See* Tex. Penal Code Ann. § 22.041(f); *see also* Tex. Code Crim. Proc. Ann. art. 42A.053(a)(1). On January 26, 2023, Litchfield filed notice of appeal for Trial Cause Numbers 21-37098 and 21-37099. We questioned whether we had jurisdiction over the appeals.

In a criminal case, a timely notice of appeal is necessary to invoke this court’s jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Here, the notice of appeal was due on January 11, 2023. *See* Tex. R. App. P. 26.2(a)(1). An appellate may, however, extend the time to file the notice of appeal if, within 15 days after the deadline for filing the notice the party files a motion to extend the time to file the appeal, which contains the information required by Rule 10.5(b) of the Texas rules of Civil Procedure. *See* Tex. R. App. P. 26.3 Here, a motion for extension of time was due to be filed no later than January 26, 2023, but Litchfield did not file one. “When a notice of appeal is filed within the fifteen-day period but no timely motion for extension of time is filed, the appellate court lacks jurisdiction.” *Olivo*, 918 S.W.2d at 522.

We dismiss the appeals for lack of jurisdiction. *See* Tex. R. App. P. 43.2(f).

APPEALS DISMISSED.

PER CURIAM

Submitted on March 21, 2023
Opinion Delivered March 22, 2023
Do Not Publish

Before Golemon, C.J., Horton and Wright, JJ.