



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00389-CR

SONJI LYNN HERNANDEZ

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 4 OF TARRANT COUNTY
TRIAL COURT NO. 1367027D

MEMORANDUM OPINION¹

Appellant Sonji Lynn Hernandez appeals her convictions for nine counts of arson.² We dismiss the appeal for want of jurisdiction.

In January 2015, appellant entered open guilty pleas to nine counts of arson, and the trial court found her guilty of those offenses. The court postponed

¹See Tex. R. App. P. 47.4.

²See Tex. Penal Code Ann. § 28.02 (West 2011).

sentencing and ordered the completion of a presentence investigation report. On April 17, 2015, the trial court sentenced appellant to seven years' confinement on each count and ordered the sentences to run concurrently. The same day, the trial court signed a certification stating that she had the right of appeal.

In October 2016, appellant filed a "Motion to Appeal," which we construed as a notice of appeal.³ We sent appellant a letter expressing our concern that we lacked jurisdiction because the notice of appeal was not timely filed. In the letter, we told appellant that unless she filed a response showing grounds for continuing the appeal, we could dismiss it. See Tex. R. App. P. 44.3. Appellant filed a response, but it does not show grounds for continuing the appeal.

Appellant's notice of appeal, filed more than a year after the trial court sentenced her, is untimely and is therefore insufficient to invoke this court's jurisdiction. See Tex. R. App. P. 25.2(b), 26.2(a); *Taylor v. State*, 424 S.W.3d 39, 43 (Tex. Crim. App. 2014). Accordingly, we dismiss the appeal for want of jurisdiction.⁴ See Tex. R. App. P. 43.2(f); *Slaton v. State*, 981 S.W.2d 208,

³We have not received any document indicating that appellant expressed a desire to appeal her convictions before October 2016. Appellant's response to our letter states that her attorney was "supposed to file for an appeal a long time ago, but never did."

⁴Appellant's trial counsel has filed a motion to withdraw from her appellate representation. In the motion, counsel states that he no longer practices law. We grant the motion. See Tex. R. App. P. 6.5. Because we are dismissing this appeal for want of jurisdiction and because appellant is not entitled to the appointment of counsel to seek discretionary review with the court of criminal appeals, we deny her request for the appointment of counsel. See *Peterson v. Jones*, 894 S.W.2d 370, 373 (Tex. Crim. App. 1995); see also Tex. R. App. P. 68

210 (Tex. Crim. App. 1998).

PER CURIAM

PANEL: LIVINGSTON, C.J.; WALKER and MEIER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: December 8, 2016

(describing the procedures for seeking discretionary review of a court of appeals's decision with the court of criminal appeals).