



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

NO. 02-17-00375-CR

MILES WESLEY KENNEY

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 415TH DISTRICT COURT OF PARKER COUNTY
TRIAL COURT NO. CR17-0059

MEMORANDUM OPINION¹

On September 26, 2017, the trial court sentenced appellant Miles Wesley Kenney to seventeen years' confinement for evading arrest or detention while using a vehicle.² That same day, the trial court certified that Kenney had the right

¹See Tex. R. App. P. 47.4.

²See Tex. Penal Code Ann. § 38.04(a), (b)(2) (West 2016). Kenney's judgment of conviction states that a prior felony conviction enhanced his

to appeal his conviction. On November 15, 2017, Kenney sent a letter to the trial court expressing his desire to appeal. On November 17, 2017, the district clerk file-stamped Kenney's letter.

On November 20, 2017, we sent a letter to Kenney expressing our concern that we lack jurisdiction over the appeal because his notice of appeal—his letter—was not timely filed. We stated that unless he filed a response showing grounds for continuing the appeal, we would dismiss it. See Tex. R. App. P. 44.3.

We have not received such a response. Kenney's untimely notice of appeal is insufficient to invoke our jurisdiction. See Tex. R. App. P. 25.2(b), 26.2(a)(1); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). Accordingly, we dismiss the appeal. See Tex. R. App. P. 43.2(f); *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

/s/ Wade Birdwell
WADE BIRDWELL
JUSTICE

PANEL: SUDDERTH, C.J.; WALKER and BIRDWELL, JJ.

DO NOT PUBLISH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

DELIVERED: February 1, 2018

sentencing range to that of a second-degree felony. See *id.* § 12.42(a) (West Supp. 2017).