



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

**NO. 02-18-00260-CR
NO. 02-18-00261-CR
NO. 02-18-00262-CR**

JOSE WHITFIELD

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 30TH DISTRICT COURT OF WICHITA COUNTY
TRIAL COURT NOS. 55,778-A, 55,986-A, 56,109-A

MEMORANDUM OPINION¹

On June 3, 2016, Jose Whitfield pleaded guilty to the third-degree felony of tampering with or fabricating evidence, the first-degree felony of aggravated robbery, and the first-degree felony of delivery of more than four but less than two hundred grams of methamphetamine. The trial court assessed his

¹See Tex. R. App. P. 47.4.

punishment at eight years' confinement, fifteen years' confinement, and twenty-five years' confinement, respectively. On May 28, 2018, appellant signed pro se Motions for Direct Appeal in each case, which he mailed to the Wichita County District Clerk on May 29, 2018. The Clerk filed the motions, which we construe as notices of appeal, on June 4, 2018.

Rule 26.2 of the rules of appellate procedure requires that a notice of appeal be filed within thirty days after the date sentence is imposed or within ninety days after the date sentence is imposed if the defendant files a timely motion for a new trial. See Tex. R. App. P. 26.2(a)(1)–(2). Therefore, appellant's notices of appeal filed almost two years after sentencing were not timely. See Tex. R. App. P. 26.2(a). On June 6, 2018, we sent appellant a letter expressing our concern that we lack jurisdiction over the appeals because he did not timely file his notices of appeal. We informed appellant that we could dismiss the appeals unless he filed a response showing grounds for continuing them, but appellant has not done so.

A timely-filed notice of appeal is essential to vest this court with jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Without a timely-filed notice of appeal, we must dismiss an appeal. *Id.*; *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996). Because appellant's notices of appeal were not timely filed, we dismiss his appeals for want of jurisdiction. See Tex. R. App. P. 26.2(a), 43.2(f).

PER CURIAM

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

DO NOT PUBLISH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

DELIVERED: August 9, 2018