



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00171-CR

EDUARDO MARGARITO SOTO A/K/A EDUARDO MARGARITO SOTO,
Appellant

v.

THE STATE OF TEXAS

On Appeal from the 297th District Court
Tarrant County, Texas
Trial Court No. 1439642D

Before Kerr, Birdwell, and Bassel, JJ.
Memorandum Opinion by Justice Kerr

MEMORANDUM OPINION

Appellant Eduardo Margarito Soto a/k/a Edwardo Margarito Soto attempts to appeal from the trial court's judgment adjudicating his guilt for the offense of aggravated sexual assault of a child under 14 years of age. *See* Tex. Penal Code Ann. § 22.021(a)(1)(B), (2)(B). On January 11, 2018, the trial court sentenced Soto to 30 years' confinement. Because Soto did not move for a new trial, his notice of appeal was due no later than February 12, 2018. *See* Tex. R. App. P. 4.1(a), 26.2(a)(1). Over a year later, on April 29, 2019, Soto filed his notice of appeal.

On May 6, 2019, we notified Soto by letter of our concern that we lacked jurisdiction over this appeal because the notice of appeal was untimely filed. *See* Tex. R. App. P. 26.2(a)(1). We advised him that unless we received a response by May 16, 2019, showing grounds for continuing the appeal, the appeal could be dismissed for want of jurisdiction. *See* Tex. R. App. P. 44.3. On Soto's motion, we extended his response deadline to July 26, 2019. Despite this extension, Soto has not filed a response.¹

Our appellate jurisdiction is triggered through a timely filed notice of appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If a notice of appeal is not timely filed under rule 26.2, we do not have jurisdiction to address the merits of

¹We have received Soto's "Brief of Appellant" dated July 22, 2019. But the brief does not address our jurisdictional concerns or otherwise respond to our May 6, 2019 letter.

the appeal and may take no action other than to dismiss it. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Because Soto's notice of appeal was untimely filed, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 26.2(a)(1), 43.2(f).

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

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Tex. R. App. P. 47.2(b)

Delivered: August 22, 2019