



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

No. 02-22-00127-CR

GREGORY LYNN ALLEN, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 372nd District Court
Tarrant County, Texas
Trial Court No. 1589063D

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

MEMORANDUM OPINION

Gregory Lynn Allen pleaded guilty to robbery causing bodily injury. *See* Tex. Penal Code Ann. § 29.02. On January 27, 2020, the trial court convicted him of that offense and sentenced him to 12 years' confinement. *See id.* Proceeding pro se, Allen filed a notice of appeal on June 16, 2022, more than two years too late. *See* Tex. R. App. P. 26.2(a)(1).

Because Allen's notice of appeal was untimely filed, we twice¹ notified Allen by letter of our concern that we lacked jurisdiction over his appeal. In both letters, we explained that because Allen did not move for a new trial, his notice of appeal was due February 26, 2020, but was not filed until June 16, 2022. *See* Tex. R. App. P. 26.2(a)(1). We warned Allen that we could dismiss his appeal for want of jurisdiction unless, within ten days, he or any other party desiring to continue the appeal filed a response showing grounds for continuing it. *See* Tex. R. App. P. 44.3.

After receiving our second letter, Allen moved for an extension of time to respond. We granted Allen's motion and extended the response deadline to August 29, 2022. Despite this extension, we have received no response.²

¹We sent a second letter to Allen after he notified us that his mailing address had changed.

²On August 26, 2022, we received a second motion from Allen asking for another extension and for us to send him various documents related to his case. We deny Allen's second motion.

A timely filed notice of appeal is a jurisdictional prerequisite to perfecting an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If a notice of appeal is untimely filed, we must dismiss the appeal for want of jurisdiction. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo*, 918 S.W.2d at 523. Because Allen’s notice of appeal was untimely, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f).

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

Do Not Publish
Tex. R. App. P. 47.2(b)

Delivered: September 29, 2022