

NO. 07-07-0079-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
MARCH 23, 2007

ERASMO GONZALES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 69TH DISTRICT COURT OF DALLAM COUNTY;
NO. 3320-8; HON. RON ENNS, PRESIDING

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Erasmus Gonzales, appellant, attempts to appeal from an order denying his “Petition for Redress of Grievance” and his “Motion for Nunc Pro Tunc.” The court signed the order on December 4, 2006. Appellant then filed a notice of appeal on March 5, 2007. We dismiss for want of jurisdiction.

To be timely, a notice of appeal must be filed within 30 days after the day the trial court enters an appealable order or within 90 days after that date if a motion for new trial is filed. TEX. R. APP. P. 26.2(a). No motion for new trial having been filed, appellant's notice of appeal was due to be filed January 3, 2007. Because the record discloses that appellant's notice of appeal was received by this court on March 5, 2007, without seeking an extension of the deadline, TEX. R. APP. P. 26.3, the notice of appeal was late.

A timely filed notice of appeal is essential to invoke our appellate jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If it is untimely, we can take no action other than to dismiss the proceeding. *Id.* at 523. Appellant's notice being untimely filed, we have no jurisdiction over the matter and dismiss the appeal.

Accordingly, appellant's appeal is dismissed.

Brian Quinn
Chief Justice

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