

NO. 07-10-00457-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
NOVEMBER 16, 2010

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VANESSA ORNELAS, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

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FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;

NO. 60,409-D; HONORABLE DON R. EMERSON, JUDGE

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

### MEMORANDUM OPINION

On June 10, 2010, appellant, Vanessa Ornelas, was convicted of committing the offense of possession of a controlled substance with intent to deliver in a drug-free zone, and sentenced to incarceration in the Texas Department of Criminal Justice, Institutional Division, for a period of five years. On November 4, 2010, appellant filed her notice of appeal with the trial court.<sup>1</sup> We dismiss for want of jurisdiction.

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<sup>1</sup> Appellant filed a letter addressed to the Honorable Don R. Emerson that indicates that appellant desires to appeal and that complies with the requirements of a notice of appeal. See TEX. R. APP. P. 25.2(c). This Court has deemed this letter to be a notice of appeal.

Unless a defendant timely files a motion for new trial, a defendant must file a written notice of appeal with the trial court clerk within 30 days after the date sentence is imposed. TEX. R. APP. P. 26.2(a). Therefore, appellant's notice of appeal was due on July 12, 2010. Because appellant's notice of appeal was filed 114 days after it was due, this Court is without jurisdiction over this appeal. See Olivo v. State, 918 S.W.2d 519, 522 (Tex.Crim.App. 1996). Because this Court is without jurisdiction to address the merits of this appeal, we have no authority to take any action other than to dismiss the appeal. See Slaton v. State, 981 S.W.2d 208, 210 (Tex.Crim.App. 1998).

Accordingly, the purported appeal is dismissed for want of jurisdiction.<sup>2</sup>

Mackey K. Hancock  
Justice

Do not publish.

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<sup>2</sup> Appellant may have recourse by filing a post-conviction writ of habeas corpus returnable to the Texas Court of Criminal Appeals for consideration of an out-of-time appeal. See TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2010).