

NO. 07-12-0361-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
AUGUST 16, 2012

REYES RUIZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 59,406-E; HON. DOUGLAS WOODBURN, PRESIDING

Memorandum Opinion

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

Reyes Ruiz appeals his conviction manifested in a judgment signed on December 9, 2010. Furthermore, his sentence was pronounced in open court on December 9, 2010. We dismiss the appeal for want of jurisdiction.

By applicable rule, an appellant is afforded either thirty or ninety days from the date his sentence is pronounced in open court to file his notice of appeal. Which time limit applies depends upon whether a timely motion for new trial was filed. TEX. R. APP. P.

26.2. The notice of appeal at bar was filed on August 14, 2012, a date far outside both time periods. Thus, we lack jurisdiction over the matter.

To the extent that appellant petitioned for leave under Texas Code of Criminal Procedure art. 11.07 to perfect a belated appeal, nothing before us indicates that the petition has been acted on, much less granted, by the Court of Criminal Appeals. And, because we lack the authority to consider art. 11.07 matters, e.g. *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. ref'd) (so holding), we again lack the ability to proceed.

Accordingly, the appeal is dismissed for want of jurisdiction.

Per Curiam

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