



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00293-CR

DONTE HOUSTON, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

**On Appeal from the 349th District Court
Houston County, Texas
Trial Court No. 11CR-033, Honorable Mark A. Calhoon, Presiding**

September 2, 2014

MEMORANDUM OPINION

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

Donte Houston, appellant, attempts to appeal from his conviction for assault on a public servant. The trial court pronounced sentence on March 7, 2012. Appellant did not file his notice of appeal with this court until July 28, 2014.¹ We dismiss for want of jurisdiction.

¹ According to appellant's notice of appeal, he filed a notice with the Fourth Court of Appeals in appellate cause number 04-12-00242-CR. We note that the Fourth Court affirmed appellant's conviction in this cause in an opinion issued on February 6, 2013. See *Houston v. State*, No. 04-12-00242-CR, 2013 WL 441790, 2013 Tex. App. LEXIS 1072 (Tex. App.—San Antonio February 6, 2013, no pet.) (mem. op.) (not designated for publication.)

To be timely, a notice of appeal must be filed within thirty days after the sentence is imposed or suspended in open court or within ninety days after that date if a motion for new trial is filed. TEX. R. APP. P. 26.2(a). Appellant did not file a motion for new trial; therefore, the deadline for perfecting an appeal here lapsed in April of 2012.

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.

Per Curiam

Do not publish.