



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

No. 07-14-00351-CR

ROBERT BACK, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 320th District Court
Potter County, Texas
Trial Court No. 54,960-D, Honorable Don R. Emerson, Presiding

October 17, 2014

MEMORANDUM OPINION

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

Robert Back, appellant, attempts to appeal his conviction for robbery once again. In 2008, we affirmed the conviction via *Back v. State*, No. 07-07-0436-CR, 2008 Tex. App. LEXIS 4398 (Tex. App.—Amarillo June 16, 2008, no pet.). Back now wants an out-of-time appeal.

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). 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). Without it, we can take no action other than to dismiss the proceeding. *Id.* at 523.

On September 25, 2014, we directed appellant to show why this court had jurisdiction over the appeal. Appellant filed a response but did not illustrate how we have jurisdiction to entertain further review of a conviction from a sentence pronounced and rendered final in 2007. Appellant's notice being untimely filed, we have no jurisdiction over the matter and dismiss the appeal.

It is so ordered.

Per Curiam

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