



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

No. 07-18-00064-CR

ISREAL RAMIREZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 137th District Court
Lubbock County, Texas
Trial Court No. 2016-410,763, Honorable John J. "Trey" McClendon III, Presiding

March 22, 2018

MEMORANDUM OPINION

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

Appellant Isreal Ramirez attempts to appeal the revocation of his probation for fraudulent use or possession of identifying information and sentence to six years' imprisonment. We dismiss the appeal for want of jurisdiction.

Appellant's sentence was imposed on January 9, 2018. Because appellant did not file a motion for new trial, his notice of appeal was due within thirty days, by February 8, 2018. See TEX. R. APP. P. 26.2(a)(1) (requiring a notice of appeal to be filed within thirty

days after the day sentence is imposed). Appellant did not file his notice of appeal until February 12, 2018.

A timely notice of appeal is required to invoke this court's appellate jurisdiction. *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). If the notice is untimely, a court of appeals can take no action other than to dismiss the appeal for lack of jurisdiction. *Id.* A court of appeals may extend the deadline to file a notice of appeal if, within fifteen days after the deadline for filing the notice, the appellant files a notice of appeal in the trial court and, within that same fifteen-day period, files a motion to extend the time to file a notice of appeal in the appellate court. TEX. R. APP. P. 26.3, 10.5(b). When a notice of appeal, but no motion for extension of time, is filed within the fifteen-day period, the notice of appeal may not be considered timely and does not invoke our jurisdiction. See *Olivo v. State*, 918 S.W. 2d 519, 523 (Tex. Crim. App. 1996).

Although appellant filed his notice of appeal within fifteen days after the notice of appeal deadline, he did not file a motion for extension of time. Appellant's untimely notice of appeal, therefore, prevents this court from exercising jurisdiction over his appeal.

Accordingly, we dismiss the appeal for want of jurisdiction.¹

Per Curiam

Do not publish.

¹ The appropriate vehicle for seeking an out-of-time appeal from a final felony conviction is by writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure.