



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

No. 07-18-00101-CR

DANIEL VILLA, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 137th District Court
Lubbock County, Texas
Trial Court No. 2006-412,699, Honorable Cecil G. Puryear, Presiding

April 20, 2018

MEMORANDUM OPINION

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

Appellant Daniel Villa, proceeding *pro se*, attempts to appeal his conviction for driving while intoxicated, third offense or more,¹ and sentence of life imprisonment. We previously affirmed his conviction in *Villa v. State*, No. 07-06-00270-CR, 2009 Tex. App. LEXIS 6217 (Tex. App.—Amarillo Aug. 10, 2009, pet. ref'd) (not designated for publication). We dismiss his attempted appeal for want of jurisdiction.

¹ TEX. PENAL CODE ANN. §§ 49.04, 49.09, 12.42 (West Supp. 2017) (enhanced to a first-degree felony).

Appellant was sentenced on June 6, 2006. Because appellant did not file a motion for new trial, his notice of appeal was due within thirty days after sentence was imposed, by July 6, 2006. See TEX. R. APP. P. 26.2(a) (a notice of appeal must be filed within thirty days after sentence is imposed or within ninety days after that date if a motion for new trial is timely filed). On April 3, 2018, appellant filed a notice of appeal and a request for the appointment of appellate counsel.

By letter of April 4, 2018, we notified appellant that his notice of appeal was untimely and directed him to file a response showing grounds for continuing the appeal by April 18. Appellant filed a response to the Court's letter, four motions concerning the appeal, and a request for findings of fact and conclusions of law. He has not, however, demonstrated grounds for continuing the appeal.

A timely notice of appeal is required to invoke our appellate jurisdiction. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If the notice is untimely, we can take no action other than to dismiss for lack of jurisdiction. *Id.* at 523. As appellant's notice of appeal was filed untimely, we have no jurisdiction over the matter and must dismiss the appeal.

Accordingly, we dismiss the appeal for want of jurisdiction. Any pending motions and requests are dismissed as moot.

Per Curiam

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