



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

Nos. 07-22-00087-CR
07-22-00088-CR

ARTHUR GARCIA GARZA, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court Nos. 081193-E-CR & 080883-E-CR, Honorable Douglas R. Woodburn, Presiding

May 10, 2022

MEMORANDUM OPINION

Before PIRTLE and PARKER and DOSS, JJ.

Appellant Arthur Garcia Garza, proceeding pro se, appeals his convictions for possession of a controlled substance¹ and concurrent sentences of thirty years' confinement. We dismiss the untimely appeals for want of jurisdiction and because appellant has no right of appeal.

¹ See TEX. PENAL CODE ANN. § 481.115(d).

The timely filing of a written notice of appeal is a jurisdictional prerequisite to hearing an appeal. *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). In a criminal case, the notice of appeal must be filed within thirty days after sentence is imposed or suspended or within ninety days if the defendant timely files a motion for new trial. TEX. R. APP. P. 26.2(a). If a notice of appeal is not timely filed, an appellate court has no option but to dismiss the appeal for want of jurisdiction. *Castillo*, 369 S.W.3d at 198.

The trial court sentenced appellant on February 16, 2022. Because no motion for new trial was filed, a notice of appeal was due within thirty days after sentencing, by March 18, 2022. See TEX. R. APP. P. 26.2(a). Appellant's notice of appeal was mailed to the trial court clerk, postmarked March 23, 2022. No motion requesting an extension of time accompanied the notice of appeal. See TEX. R. APP. P. 26.3 (permitting appellate courts to extend the notice of appeal deadline if a notice of appeal and motion for an extension are filed within fifteen days of the appellate deadline). Thus, appellant's untimely notice of appeal prevents this Court from acquiring jurisdiction over the appeals.

Further, under Rule of Appellate Procedure 25.2(d), we are required to dismiss an appeal "if a certification that shows the defendant has the right of appeal has not been made part of the record." Here, the trial court's certifications of appellant's right of appeal indicate that these are plea-bargain cases with no right of appeal and that appellant has waived the right of appeal. The certification comports with the record before the Court, including the plea papers and waivers signed by appellant.²

² The judgments incorrectly identify the cases as jury trials.

By letter of April 5, 2022, we notified appellant of the consequences of his late notice of appeal and the trial court's certifications and directed him to show how the Court has jurisdiction over the appeals. Appellant has filed a response but has not shown grounds for continuing the appeals.

Accordingly, we dismiss the appeals for want of jurisdiction and based on the trial court's certifications.

Per Curiam

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