



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

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No. 07-23-00415-CR  
No. 07-23-00416-CR

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**JACOB AARON VERA, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 100th District Court  
Hall County, Texas  
Trial Court No. 4144, 4145, Honorable Stuart Messer, Presiding

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November 21, 2023

**MEMORANDUM OPINION**

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

Appellant, Jacob Aaron Vera, appeals from the trial court's judgments adjudicating him guilty of two counts of aggravated sexual assault of a child<sup>1</sup> and sentencing him to forty years' confinement for each count, to be served consecutively. We dismiss the untimely appeals for want of jurisdiction.

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<sup>1</sup> TEX. PENAL CODE ANN. § 22.021.

Appellant was sentenced on September 18, 2023. Because no motion for new trial was filed, a notice of appeal was due within thirty days after sentence was imposed, i.e., by October 18, 2023. See TEX. R. APP. P. 26.2(a) (requiring a notice of appeal to be filed within thirty days after sentence is imposed or within ninety days if the defendant timely files a motion for new trial). Appellant filed a notice of appeal on October 31, 2023, within the fifteen-day extension period, but did not file a motion for extension until November 6, after the fifteen-day extension period expired. See TEX. R. APP. P. 26.3 (permitting an appellate court to extend the time to file a notice of appeal if a notice and a motion for extension are filed within fifteen days of the notice of appeal deadline). Appellant's motion for extension explained that his late notice of appeal was due to a delay in the appointment of counsel.

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). Although appellate courts may extend the time to file a notice by fifteen days pursuant to Rule of Appellate Procedure 26.3, when a notice of appeal but no motion for extension of time is filed within the fifteen-day extension period, an appellate court lacks jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. See *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996) (en banc); *Lair v. State*, 321 S.W.3d 158, 159 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd) (explaining that in criminal appeals, no motion for extension is implied when a notice of appeal is filed within fifteen days of the deadline).

Because Appellant did not file his motion for extension of time to file a notice of appeal within the fifteen-day grace period provided by appellate rule 26.3, we must deny

the requested extension. See TEX. R. APP. P. 26.3; *Olivo*, 918 S.W.2d at 522. Appellant's notice of appeal is, therefore, untimely.

Accordingly, we dismiss the appeals for want of jurisdiction.<sup>2</sup>

Per Curiam

Do not publish.

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<sup>2</sup> Appellant may be entitled to relief by filing an application for writ of habeas corpus returnable to the Court of Criminal Appeals for consideration of an out-of-time appeal. See TEX. CODE CRIM. PROC. ANN. art. 11.07.