



**In the
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-23-00070-CR

ERICA JUNE LOVEWELL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 5th District Court
Bowie County, Texas
Trial Court No. 19F1331-005

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Justice van Cleef

MEMORANDUM OPINION

Erica June Lovewell has filed an untimely notice of appeal from the trial court's judgment revoking her community supervision and sentencing her to two years' incarceration for possession of a controlled substance. We dismiss the appeal for want of jurisdiction.

Sentence was imposed in this matter on October 31, 2022, and Lovewell did not file a motion for new trial. As a result, Lovewell's notice of appeal was due on or before November 30, 2022. *See* TEX. R. APP. P. 26.2(a)(1). Lovewell did not file her notice of appeal until March 30, 2023, well past the deadline for filing such notice. Consequently, Lovewell's attempt to appeal her revocation judgment in this matter was untimely. The Texas Court of Criminal Appeals has expressly held that, without a timely filed notice of appeal, we cannot exercise jurisdiction over an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998) (per curiam).

By letter dated April 21, 2023, we notified Lovewell that her notice of appeal appeared to be untimely and that the appeal was subject to dismissal for want of jurisdiction. We gave Lovewell twenty days to respond to our letter and to demonstrate how we have jurisdiction over the appeal notwithstanding the noted defect. Lovewell did not respond to our letter.

Because Lovewell did not timely file her notice of appeal, we dismiss the appeal for want of jurisdiction.

Charles van Cleef
Justice

Date Submitted: May 15, 2023
Date Decided: May 16, 2023

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