



IN THE  
TENTH COURT OF APPEALS

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No. 10-11-00417-CR

SEAN REEVES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 19th District Court  
McLennan County, Texas  
Trial Court No. 2010-1205-C1

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MEMORANDUM OPINION

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Sean Reeves was convicted of the offense of aggravated assault and sentenced to 20 years in prison. *See* TEX. PENAL CODE ANN. § 22.02 (West 2011). By letter dated November 7, 2011, the Clerk of this Court notified Reeves that his appeal was subject to dismissal because his notice of appeal appeared untimely and because the certification of defendant's right of appeal also indicated that Reeves waived his right to appeal, and a document was included with his notice of appeal which indicated Reeves waived his right to appeal. *See* TEX. R. APP. P. 25.2(d); 26.2(a)(1). The Clerk also warned Reeves

that the Court would dismiss the appeal unless, within 21 days of the date of the letter, a response was filed showing grounds for continuing the appeal. See TEX. R. APP. P. 44.3.

Reeves responded<sup>1</sup> and indicated that his waiver was unknowingly made and involuntary but did not address the timeliness of his notice of appeal. Thus, the response does not present grounds for continuing the appeal.

Accordingly, Reeves appeal is dismissed. Further, Reeves' motion for extension of time to file his docketing statement and motion for court appointed counsel are dismissed as moot.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Motions dismissed as moot  
Opinion delivered and filed November 23, 2011  
Do not publish  
[CR25]

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<sup>1</sup> The response did not contain a proper proof of service. See TEX. R. APP. P. 9.5. However, we use Rule 2 to dispense with the service requirement and review the response Reeves provided. *Id.* 2.