

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00803-CR

Juan Andino Figueroa a/k/a Juan Andino, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 56905, HONORABLE JOE CARROLL, JUDGE PRESIDING**

MEMORANDUM OPINION

Juan Andino Figueroa seeks to appeal from a judgment of conviction for possession of cocaine. Sentence was imposed on August 31, 2005. There was a timely motion for new trial. The deadline for perfecting appeal was therefore November 29, 2005. Tex. R. App. P. 26.2(a)(2). Notice of appeal was filed on December 2, 2005. Although this was within the fifteen-day grace period, appellant's motion for extension of time for filing notice of appeal was not filed until December 21, 2005. See Tex. R. App. P. 26.3. Under the circumstances, we lack jurisdiction to dispose of the purported appeal in any manner other than by dismissing it for want of jurisdiction. See *Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

Appellant's motion for extension of time to file notice of appeal is overruled. The appeal is dismissed.

Bea Ann Smith, Justice

Before Justices B. A. Smith, Patterson and Puryear

Dismissed for Want of Jurisdiction

Filed: January 5, 2006

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