

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00257-CR

Daniel Arriaga III, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 403RD JUDICIAL DISTRICT
NO. D-1-DC-10-204489, HONORABLE BRENDA KENNEDY, JUDGE PRESIDING**

MEMORANDUM OPINION

Daniel Arriaga, III seeks to appeal from a February 2, 2011 judgment of conviction for aggravated assault against a public servant. However, the trial court certified that Arriaga waived the right of appeal. *See* Tex. R. App. P. 25.2(d). Arriaga and his counsel signed the certification.

Further, Arriaga's attempted notice of appeal is untimely. Sentence was imposed on February 2, 2011. No motion for new trial was filed, thus the deadline for perfecting appeal was March 4, 2011. *See* Tex. R. App. P. 26.2(a)(1). Arriaga's notice of appeal was filed on April 13, 2011. There was no request for extension of time to file the notice of appeal. *See* Tex. R. App. P. 26.3. Additionally, there is no indication that notice of appeal was properly mailed to the district clerk within the time prescribed by rule 26.2(a). *See* Tex. R. App. P. 9.2(b).

Under the circumstances, we lack jurisdiction over Arriaga's appeal and therefore dismiss it for want of jurisdiction. *See* Tex. R. App. P. 25.2(d); *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

Jeff Rose, Justice

Before Justices Puryear, Pemberton and Rose

Dismissed for Want of Jurisdiction

Filed: May 19, 2011

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