

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00501-CR

Damian Paul Spencer Hafley, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. CR24,290, THE HONORABLE JOHN W. YOUNGBLOOD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Damian Paul Spencer Hafley seeks to appeal from a judgment adjudicating his guilt for criminal nonsupport. *See* Tex. Penal Code § 25.05; Tex. Code Crim. Proc. art. 42.12, § 5(b). For the following reasons, we dismiss this appeal.

First, the trial court has certified that: (1) this is a plea-bargain case and appellant has no right of appeal, and (2) appellant waived the right of appeal. Thus, we lack jurisdiction in this appeal. *See* Tex. R. App. P. 25.2(a), (d).

Second, sentence in this case was imposed on January 6, 2016. No motion for new trial was filed. Therefore, the deadline for perfecting appeal was February 5, 2016. *See* Tex. R. App. P. 26.2(a)(1) (notice of appeal must be filed within 30 days of day sentence imposed in open court). Appellant filed his notice of appeal on July 22, 2016. Thus, his notice of appeal, filed 198 days after sentence was imposed, is untimely. Absent a timely filed notice of appeal, we do not

obtain jurisdiction to address the merits of the appeal in a criminal case. *See 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).

For the above reasons, we dismiss this appeal for want of jurisdiction.

Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Goodwin and Bourland

Dismissed for Want of Jurisdiction

Filed: August 3, 2016

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