

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-18-00641-CR
NO. 03-18-00642-CR**

David Allen Gilg, III, Appellant

v.

The State of Texas, Appellee

**FROM THE 426TH DISTRICT COURT OF BELL COUNTY,
NOS. 75679 & 70594, THE HONORABLE FANCY H. JEZEK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant David Allen Gilg, III seeks to appeal a judgment of conviction for arson (vehicle) and a judgment revoking community supervision for theft over \$100,000 but less than \$200,000. *See* Tex. Penal Code §§ 28.02(a), 31.03. This Court’s appellate jurisdiction in a criminal case is invoked by a timely filed notice of appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (“A timely notice of appeal is necessary to invoke a court of appeals’ jurisdiction.”). In this case, the district court imposed sentence on April 3, 2017. Rule 26.2 of the Texas Rules of Appellate Procedure provides that an appeal is perfected in a criminal case when notice of appeal is filed within 30 days after the day sentence is imposed or suspended in open court or within 90 days after sentencing, if the defendant timely files a motion for new trial. Tex. R. App. P. 26.2(a)(1)-(2). Thus, the deadline for perfecting the appeal was May 3, 2017. Gilg filed his notice of appeal on September 20, 2018. Absent a timely filed notice of appeal, we lack jurisdiction to dispose of this appeal in any manner other than by dismissing it

for want of jurisdiction. *See Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012); *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Accordingly, we dismiss the appeal for want of jurisdiction.¹

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Field and Toth

Dismissed for Want of Jurisdiction

Filed: October 9, 2018

Do Not Publish

¹ The remedy for a late-filed notice of appeal is to file a post-conviction writ of habeas corpus returnable to the Texas Court of Criminal Appeals for consideration of an out-of-time appeal. *See* Tex. Code Crim. Proc. art. 11.07.