

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00698-CR

Arturo Aleman, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE 207TH DISTRICT COURT OF COMAL COUNTY
NO. CR2008-349, THE HONORABLE JACK H. ROBISON, JUDGE PRESIDING**

MEMORANDUM OPINION

Arturo Aleman, Jr., filed a notice of appeal of his July 10, 2011, judgment of conviction for driving while intoxicated. *See* Tex. Penal Code §§ 49.04, .09. The State has filed a motion to dismiss Aleman’s appeal for want of jurisdiction. Aleman filed his notice of appeal on October 3, 2019, well beyond the deadline for filing a notice of appeal. *See* Tex. R. App. P. 26.2(a) (providing that notice of appeal must be filed within thirty days after day sentence is imposed or suspended in open court, or within ninety days if motion for new trial is timely filed).¹ Because Aleman’s notice of appeal was untimely, we lack jurisdiction over this appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (“If an appeal is not timely perfected, a court of appeals does not obtain jurisdiction to address the merits of the appeal.”);

¹ The State treats Aleman’s notice of appeal as being from a June 20, 2017 order revoking his probation for the same offense. Aleman’s notice of appeal is also untimely as to that order.

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.”).

We grant the State’s motion and dismiss the appeal for want of jurisdiction.

Edward Smith, Justice

Before Chief Justice Rose, Justices Triana and Smith

Dismissed for Want of Jurisdiction

Filed: October 15, 2019

Do Not Publish