

NO. 12-11-00276-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>CRAIG DESHAUN ACY,</i> <i>APPELLANT</i>	§	<i>APPEAL FROM THE 114TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS,</i> <i>APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of jurisdiction. The State’s motion to revoke Appellant’s community supervision was granted, and sentence was imposed in open court on July 15, 2011.

In a criminal case, the notice of appeal must be filed within thirty days after sentence is imposed in open court or within ninety days after that date if a motion for new trial is filed. TEX. R. APP. P. 26.2(a). Appellant did not file a motion for new trial. Because Appellant’s sentence was imposed on July 15, 2011, and he did not file a motion for new trial, his notice of appeal was due to have been filed no later than August 15, 2011. However, Appellant did not file his notice of appeal until September 6, 2011. Because Appellant’s notice of appeal was not filed on or before August 15, 2011, it was untimely, and this court has no jurisdiction of the appeal.

On September 26, 2011, this court notified Appellant, pursuant to Texas Rule of Appellate Procedure 37.2, that his notice of appeal was untimely and there was no timely motion for an extension of time to file the notice of appeal. See TEX. R. APP. P. 26.2(a)(1), 26.3. Appellant was further informed that the appeal would be dismissed unless, on or before October 6, 2011, the information in this appeal was amended to show the jurisdiction of this court. The October 6,

2011 deadline has passed, and Appellant has neither shown the jurisdiction of this court nor otherwise responded to the court's September 26, 2011 notice.

Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered October 19, 2011.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)