

**NO. 12-11-00311-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*JODY FORD MCCREARY,*  
*APPELLANT*

§

*APPEAL FROM THE 7TH*

*V.*

§

*JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,*  
*APPELLEE*

§

*SMITH COUNTY, TEXAS*

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***MEMORANDUM OPINION***  
***PER CURIAM***

Appellant has filed a “Notice of Out of Time Appeal,” which includes a detailed explanation of why the notice of appeal was late. On October 4, 2011, this court advised Appellant that the notice of appeal was untimely, and that there was no timely motion for an extension of time as permitted by the rules of appellate procedure. *See* TEX. R. APP. P. 26.2, 26.3. Appellant was further advised that the appeal would be dismissed unless, on or before October 14, 2011, the information filed in the appeal was amended to show the jurisdiction of this court. On October 13, 2011, Appellant filed a response to the October 4, 2011 notice, but did not show the jurisdiction of this court. Accordingly, this appeal is ***dismissed for want of jurisdiction***. TEX. R. APP. P. 44.3; *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (timely notice of appeal necessary to invoke court of appeals’ jurisdiction).

Opinion delivered October 19, 2011.

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

(DO NOT PUBLISH)