

NO. 12-12-00131-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>GENE EDWARD WILMETH, APPELLANT</i>	§	<i>APPEAL FROM THE 369TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>CHEROKEE COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Following a guilty plea, Appellant was convicted of felony driving while intoxicated and sentenced to imprisonment for twenty years.

In a criminal case, the notice of appeal must be filed within thirty days after sentence is imposed or within ninety days after that date if a motion for new trial is filed. TEX. R. APP. P. 26.2(a). Appellant's sentence was imposed on January 23, 2012, and he did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed no later than February 22, 2012. However, Appellant did not file his notice of appeal until March 27, 2012. Because Appellant's notice of appeal was not filed on or before February 22, 2012, it was untimely, and this court has no jurisdiction of the appeal.

On April 12, 2012, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.1 and 42.3, 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 the information in this appeal was amended, on or before April 23, 2012, to show the jurisdiction of this court. That deadline has passed, and Appellant has not shown the jurisdiction of this court.

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 May 2, 2012.

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

(DO NOT PUBLISH)