

**NO. 12-12-00166-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<i>JASON MELTON, APPELLANT</i>	§	<i>APPEALS FROM THE 411TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>TRINITY COUNTY, TEXAS</i>

---

***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Appellant was convicted of aggravated assault with a deadly weapon and attempts to appeal his conviction.

In a criminal case, the notice of appeal must be filed within thirty days after sentence is imposed or suspended or within ninety days after that date if a timely motion for new trial is filed. TEX. R. APP. P. 26.2(a). Appellant's sentence was imposed on April 4, 2012, and he filed a motion for new trial on May 9, 2012. However, the motion for new trial was filed thirty-five days after sentencing and therefore was untimely. *See* TEX. R. APP. P. 21.4(a) (motion for new trial to be filed no later than thirty days after imposition or suspension of sentence in open court). Consequently, Appellant's notice of appeal was due to have been filed no later than May 4, 2012. However, Appellant did not file his notice of appeal until May 9, 2012. Because Appellant's notice of appeal was not filed on or before May 4, 2012, it was untimely, and this court has no jurisdiction of the appeal.

On May 16, 2012, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.1 and 44.3, 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 May 29, 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 June 6, 2012.

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

(DO NOT PUBLISH)



**COURT OF APPEALS  
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS  
JUDGMENT**

**JUNE 6, 2012**

**NO. 12-12-00166-CR**

**JASON MELTON,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

---

---

Appeal from the 411th Judicial District Court of  
Trinity County, Texas. (Tr.Ct.No. 9664)

---

---

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*