

NO. 12-12-00174-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***KENNETH PORTER,
APPELLANT***

§

APPEALS FROM THE 4TH

V.

§

JUDICIAL DISTRICT COURT

***THE STATE OF TEXAS,
APPELLEE***

§

RUSK COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Pursuant to a plea bargain agreement, Appellant pleaded guilty to evading arrest by using a vehicle as a deadly weapon. He was 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 August 8, 2011, and he did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed no later than September 7, 2011. However, Appellant did not file his notice of appeal until May 17, 2012. Because Appellant's notice of appeal was not filed on or before September 7, 2011, it was untimely, and this court has no jurisdiction of the appeal.

On May 17, 2012, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.2 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(DO NOT PUBLISH)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. 12-12-00174-CR

KENNETH PORTER,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 4th Judicial District Court of
Rusk County, Texas. (Tr.Ct.No. CR11-145)

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.