

**NO. 12-14-00137-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*JAMES ARTEMUS BARNES,  
APPELLANT*

§

*APPEAL FROM THE 114TH*

*V.*

§

*JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,  
APPELLEE*

§

*SMITH COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Appellant was convicted of felony driving while intoxicated, and the trial court imposed sentence on February 4, 2014.

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 February 4, 2014, and he did not file a motion for new trial. Therefore, his notice of appeal was due to have been filed no later than March 6, 2014. However, Appellant did not file his notice of appeal until May 30, 2014. Because Appellant's notice of appeal was not filed on or before March 6, 2014, it is untimely, and this court has no jurisdiction of the appeal.

On June 13, 2014, this court notified Appellant, pursuant to Texas Rules of Appellate Procedure 37.2 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 to show the jurisdiction of this court on or before June 23, 2014. In response to our notice, Appellant informed us that his counsel in this appeal was appointed on June 17, 2014.

Thus, Appellant was not appointed counsel until more than three months after the notice of appeal was due to have been filed. Therefore, Appellant concedes that he cannot establish a legal basis by which this court has jurisdiction in the appeal. Accordingly, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered June 25, 2014.

*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(DO NOT PUBLISH)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 25, 2014**

**NO. 12-14-00137-CR**

**JAMES ARTEMUS BARNES,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 114th Judicial District Court  
of Smith County, Texas. (Tr. Ct. No.114-1559-13)

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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.*