

NO. 12-15-00098-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***AARON JEROME BOWERS,
APPELLANT***

§ *APPEAL FROM THE 7TH*

V.

§ *JUDICIAL DISTRICT COURT*

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

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

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

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 21, 2015, 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 20, 2015. However, Appellant did not file his notice of appeal until April 16, 2015. Because Appellant's notice of appeal was not filed on or before February 20, 2015, it was untimely, and this court has no jurisdiction of the appeal.

On April 16, 2015, 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 27, 2015, to show the jurisdiction of this court. On April 24, 2015, Appellant filed a motion to extend the time for filing his notice of appeal. However, the motion for extension of time was due to have been filed on or before March 9,

2015. See TEX. R. APP. P. 26.3 (motion for extension of time to file notice of appeal to be filed within fifteen days after deadline for filing notice of appeal). Because Appellant did not file his motion until April 24, 2015, the motion is untimely, does not extend the appellate timetable, and must be overruled.

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, we **overrule** Appellant's motion for extension of time to file the notice of appeal and **dismiss** the appeal **for want of jurisdiction**.¹ See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

Opinion delivered April 30, 2015.

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

(DO NOT PUBLISH)

¹ Although we have not received the clerk's record in this case, we have been provided a copy of the trial court's certification, which states that this is a plea bargain case and Appellant has no right to appeal.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 30, 2015

NO. 12-15-00098-CR

AARON JEROME BOWERS,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 007-1393-14)

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., Hoyle, J. and Neeley, J.

