Opinion filed December 13, 2018



In The

Eleventh Court of Appeals

No. 11-18-00285-CR

ROBERT FRANKLIN KELLER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 104th District Court
Taylor County, Texas
Trial Court Cause No. 21394B

M E M O R A N D U M O P I N I O N

Appellant, Robert Franklin Keller, has filed an untimely notice of appeal in this cause. Appellant attempts to appeal his conviction for the offense of burglary of a building. We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence was imposed on June 21, 2018, and that his notice of appeal was filed in the district clerk's office on October 17, 2018. Pursuant to Rule 26.2(a) of the Texas Rules of Appellate Procedure, a notice of appeal is due to be filed either (1) within thirty days

after the date that sentence is imposed in open court or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed in open court. A notice of appeal must be in writing and filed with the clerk of the trial court. TEX. R. APP. P. 25.2(c)(1). The documents on file in this court reflect that Appellant's notice of appeal was filed 118 days after his sentence was imposed. The notice of appeal was, therefore, untimely. Absent a timely filed notice of appeal or the granting of a timely motion for extension of time, we do not have jurisdiction to entertain this appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993).

When the appeal was filed in this court, we notified Appellant by letter that the notice of appeal appeared to be untimely and that the appeal may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Instead of a response, Appellant filed another notice of appeal, in which he attempted to explain that he was entitled to appeal. Appellant, however, has not shown any grounds upon which this appeal may proceed.

We dismiss this appeal for want of jurisdiction.

PER CURIAM

December 13, 2018

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,
Willson, J., and Wright, S.C.J.[1]

Willson, J., not participating.

[1]Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.