



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-20-00136-CR

VICTOR MORENO, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from 242nd District Court
Swisher County, Texas
Trial Court No. A 4582-16-02; Honorable Kregg Hukill, Presiding

July 10, 2020

MEMORANDUM OPINION

Before **QUINN, C.J.**, and **PIRTLE and PARKER, JJ.**

Appellant, Victor Moreno, appearing pro se, appeals his conviction for aggravated assault with a deadly weapon¹ and sentence to thirty years confinement. We dismiss the purported appeal for want of jurisdiction.

¹ TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2019). The judgment reflects the offense to be a first degree felony.

The trial court sentenced Appellant on July 27, 2016. Because Appellant did not timely file a motion for new trial, his notice of appeal was due within thirty days after sentence was imposed, i.e., by August 26, 2016. See TEX. R. APP. P. 26.2(a). Appellant filed a notice of appeal on April 20, 2020.²

The timely filing of a written notice of appeal is a jurisdictional prerequisite to hearing an appeal. *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). If a notice of appeal is not timely filed, a court of appeals has no option but to dismiss the appeal for want of jurisdiction. *Id.* Further, this court has no authority to invoke Rule 2 of the Rules of Appellate Procedure to enlarge the time in which to file a notice of appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

Because Appellant's notice of appeal was filed untimely, we have no jurisdiction over the appeal. Accordingly, we dismiss the appeal for want of jurisdiction.³

Per Curiam

Do not publish.

² Appellant previously attempted to appeal this conviction in 2018. But we dismissed the appeal for want of jurisdiction because Appellant's notice of appeal was filed untimely. *Moreno v. State*, Nos. 07-18-00123-CR, 07-18-00124-CR, 2018 Tex. App. LEXIS 2948, at *1-2 (Tex. App.—Amarillo Apr. 25, 2018, no pet.) (per curiam) (mem. op., not designated for publication).

³ Appellant may be entitled to relief by filing an application for writ of habeas corpus returnable to the Texas Court of Criminal Appeals for consideration of an out-of-time appeal. See TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015).