

Opinion issued September 25, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-08-00146-CR

FELIX RIVERA PEREZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 232nd District Court
Harris County, Texas
Trial Court Cause No. 1009918**

MEMORANDUM OPINION

The State has filed a motion to dismiss the above-referenced appeal for lack of jurisdiction. The record reflects that the trial court sentenced appellant, Felix Rivera

Perez, and signed a final judgment in trial court cause number 1009918 on March 24, 2006. Appellant did not file a motion for new trial; therefore, the deadline for filing a notice of appeal was April 24, 2006, 30 days after sentencing. *See* TEX. R. APP. P. 26.2(a)(1). Appellant filed a pro se notice of appeal on February 28, 2008, 706 days after the deadline. An untimely notice of appeal fails to vest the appellate court with jurisdiction to hear the case. *Slaton v. State*, 981 S.W.2d 208, 209-10 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *Douglas v. State*, 987 S.W.2d 605, 605-06 (Tex. App.—Houston [1st Dist.] 1999, no pet.).

Accordingly, the State's motion to dismiss is granted. We dismiss the appeal for lack of jurisdiction.

Any pending motions are denied as moot.

It is so **ORDERED**.

PER CURIAM

Panel consists of Chief Justice Radack, and Justices Nuchia and Higley.

Do not publish.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