

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00442-CR

Michael Anthony Cardiel, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 76553, THE HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Michael Anthony Cardiel seeks to appeal from a judgment of conviction for evading arrest or detention with a vehicle. *See* Tex. Penal Code § 38.04.

Rule 26.2 of the Texas Rules of Appellate Procedure provides that an appeal is perfected in a criminal case when notice of appeal is filed within 30 days after the day sentence is imposed or suspended in open court unless a motion for new trial is timely filed. Tex. R. App. P. 26.2(a)(1). Compliance with Rule 26—the timely filing of a notice of appeal—is essential to vest this Court with jurisdiction. *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).

In this case, the trial court imposed sentence on November 9, 2017. No motion for new trial was filed. The deadline for perfecting appeal was therefore December 11, 2017. *See* Tex. R. App. P. 26.2(a)(1). Appellant filed his notice of appeal on June 21, 2018. Thus, appellant's

notice of appeal—filed 224 days after sentence was imposed—is untimely. Absent a timely filed notice of appeal, we do not obtain jurisdiction to address the merits of the appeal in a criminal case and can take no action other than to dismiss the appeal for want of jurisdiction. *See Slaton*, 981 S.W.2d at 210.

Furthermore, the trial court has certified that: (1) this is a plea bargain case and appellant has no right of appeal, and (2) appellant waived the right of appeal. *See Tex. R. App. P. 25.2(a)(2)*. We are required to dismiss an appeal “if a certification that shows the defendant has a right of appeal has not been made part of the record.” *See Tex. R. App. P. 25.2(d); Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005).

Accordingly, for the above reasons, we dismiss the appeal.

Cindy Olson Bourland, Justice

Before Justices Puryear, Goodwin, and Bourland

Dismissed for Want of Jurisdiction

Filed: July 13, 2016

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