

Dismissed; Opinion Filed January 16, 2018.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-17-01461-CR

**PATRICK WELLINGTON ROSS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-82578-2013**

MEMORANDUM OPINION

Before Justices Lang, Brown, and Whitehill
Opinion by Justice Lang

Patrick Wellington Ross appeals his conviction for aggravated assault with a deadly weapon. On September 6, 2017, appellant entered a negotiated plea of guilty and was sentenced to three years' confinement. Because appellant did not file a motion for new trial, his notice of appeal was due thirty days later, on October 6, 2017. *See* TEX. R. APP. P. 26.2(a)(1). Appellant's notice of appeal was not filed until December 12, 2017.

A timely notice of appeal is essential to vest this Court with jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam). Although appellant's notice of appeal was due October 6, 2017, he did not file it until December 12, 2017, outside the thirty-day time period provided in rule 26.2. Because appellant's notice of appeal was untimely, this Court lacks jurisdiction over the appeal.

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 43.2(f).

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

PATRICK WELLINGTON ROSS,
Appellant

No. 05-17-01461-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 416th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 416-82578-2013.
Opinion delivered by Justice Lang. Justices
Brown and Whitehill participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered this 16th day of January, 2018.