

Opinion issued December 15, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-10-00025-CR

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**DAVID CLEO RICHARD, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 232nd District Court  
Harris County, Texas  
Trial Court Cause No. 473584**

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**MEMORANDUM OPINION**

Appellant, David Cleo Richard, attempts to appeal his June 27, 1988 conviction for aggravated robbery. Under Texas Rule of Appellate Procedure 26.2(a), a notice of appeal was due on or before July 27, 1988. *See* TEX. R. APP. P.

26.2(a).<sup>1</sup> Appellant filed his notice of appeal on December 29, 2009.

A notice of appeal that complies with the requirements of Rule 26 is essential to vest this court with jurisdiction. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). The court of criminal appeals has expressly held that, without a timely filed notice of appeal or motion for extension of time, we cannot exercise jurisdiction over an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Slaton*, 981 S.W.2d at 210.

Because the notice of appeal in this case was untimely, we have no basis for jurisdiction over this appeal. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 25.2(d), 42.3(a), 43.2(f). We dismiss all pending motions as moot.

### **PER CURIAM**

Panel consists of Justices Jennings, Sharp, and Brown.

Do not publish.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

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<sup>1</sup> The same deadlines applied under former Rule 41(b)(1), which was applicable at the time of appellant's conviction.