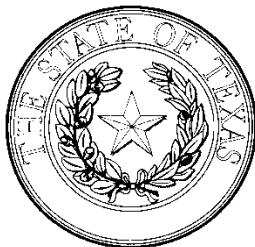


**Opinion issued September 23, 2010**



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

---

**NO. 01-10-00463-CR**

---

**ALEX WADE, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 185th District Court  
Harris County, Texas  
Trial Court Case No. 1222385**

---

---

**MEMORANDUM OPINION**

We lack jurisdiction to hear this appeal. The trial court sentenced appellant, Alex Wade, and signed a final judgment in this case on February 3, 2010. Appellant timely filed a motion for new trial, and therefore the deadline for filing a notice of appeal was May 4, 2010, 90 days after sentencing.

Appellant filed a notice of appeal on May 28, 2010, 114 days after the day sentence imposed, and 24 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.).

We therefore dismiss the appeals for lack of jurisdiction.

All pending motions are **denied as moot**.

It is so **ORDERED**.

**PER CURIAM**

Panel consists of Chief Justice Radack, and Justices Alcala and Massengale.

Do not publish.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