

**Opinion issued March 31, 2011**



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

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**NO. 01-10-00687-CR**

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**JOHN DESMOND JOHNSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court at Law No. 2  
Fort Bend County, Texas  
Trial Court Cause No. 140610A**

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**MEMORANDUM OPINION**

Appellant John Desmond Johnson attempts to appeal his June 25, 2010 theft conviction, imposed pursuant to a plea agreement. Under Texas Rule of Appellate Procedure 26.2(a), a notice of appeal was due on July 26, 2010. TEX. R. APP. P. 26.2(a). Appellant, however, filed his notice of appeal on July 27, 2010.

The appellate court may extend the time to file the notice of appeal if appellant files a motion requesting an extension of time to file the appeal within 15 days of the deadline to file the appeal. No motion for extension of time was filed. See TEX. R. APP. P. 26.3.

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).

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Bland and Brown.

Do not publish.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