

Opinion issued March 31, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00761-CR
NO. 01-10-00762-CR

WILLIAM LEWIS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Cause Nos. 59246 and 59247**

MEMORANDUM OPINION

Appellant William Lewis attempts to appeal the trial court's order signed August 31, 2009 directing the Brazoria County District Clerk to remit payment from funds in its court registry for attorney fees and expenses incurred representing defendant in the trial court. Appellant filed his notice of appeal on August 23,

2010, almost one year after the trial court signed its order.

In criminal cases, the notice of appeal must be filed either within 30 days after the day the sentence is imposed, or within 90 days after sentencing if defendant timely files a motion for new trial. *See* TEX. R. APP. PROC. 26.2(a).

A notice of appeal that complies with the requirements of rule 26 is essential to vest this court with jurisdiction. *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. 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Do not publish.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).