

Opinion issued March 31, 2011



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

NO. 01-10-01094-CR

PEDRO CEBRERO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause No. 1164483**

MEMORANDUM OPINION

Appellant Pedro Cebrero attempts to appeal his June 3, 2010 murder conviction. Under Texas Rule of Appellate Procedure 26.2(a), a notice of appeal was due on July 5, 2010. TEX. R. APP. P. 26.2(a). Appellant, however, filed his notice of appeal on November 29, 2010. In addition, the trial court's certification of

Appellant's right to appeal states that Appellant has waived his right to appeal. *See* TEX. R. APP. P. 25.2(a)(2).

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. 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Do not publish.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).