

Opinion issued July 28, 2011.



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

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NO. 01-10-01100-CR

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**TERRENCE HOWARD, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 174th District Court  
Harris County, Texas  
Trial Court Cause No. 1216673**

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**MEMORANDUM OPINION**

Appellant, Terrence Howard, attempts to appeal his September 16, 2010 conviction for aggravated robbery. Under Texas Rule of Appellate Procedure 26.2(a), a notice of appeal was due on or before October 18, 2010. *See* TEX. R. APP.

P. 26.2(a). Appellant filed his notice of appeal on November 15, 2010, which is 28 days beyond the deadline.

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 Chief Justice Radack and Justices Sharp and Brown.

Do not publish.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