

Opinion issued October 13, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00343-CR

JAMES ARTHUR JORDAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 183rd District Court
Harris County, Texas
Trial Court Case No. 1303251**

MEMORANDUM OPINION

On April 5, 2016, appellant James Arthur Jordan filed a notice of appeal from the trial court's October 10, 2012 judgment adjudicating guilt and sentencing appellant to six years' incarceration for the offense of aggravated robbery with a deadly weapon. We dismiss the appeal.

In a criminal case, a defendant's notice of appeal is due within thirty days after sentence is imposed in open court or the trial court enters an appealable order. *See* TEX. R. APP. P. 26.2(a)(1). The deadline to file a notice of appeal is extended to ninety days after the sentence is imposed if the defendant timely files a motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). The time for filing a notice of appeal may be further extended if, within fifteen days of deadline for filing the notice of appeal, appellant files the notice of appeal and a motion complying with Rule 10.5(b). TEX. R. APP. P. 26.3.

The trial court's judgment adjudicating guilt and sentencing appellant to six years' imprisonment for the offense of aggravated robbery with a deadly weapon was signed on October 10, 2012. Appellant's notice of appeal filed on April 5, 2016, almost three-and-a-half years after the judgment was signed, is untimely. *See* TEX. R. APP. P. 26.2. This Court has no authority to allow the late filing of a notice of appeal except as provided by Rule 26.3. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If an appeal is not timely perfected, a court of appeals does not obtain jurisdiction to address the merits of the appeal and can take no action other than to dismiss the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

Because appellant's notice of appeal was untimely, we have no basis for jurisdiction over this appeal. *See Slaton*, 981 S.W.2d at 210; *Olivo*, 918 S.W.2d at

522. Accordingly, we dismiss the appeal for want of jurisdiction. TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Bland, Massengale, and Lloyd.

Do not publish.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