

Dismissed and Memorandum Opinion filed December 2, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-01117-CR

PIERCE COOK, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 997333**

MEMORANDUM OPINION

Appellant entered a guilty plea to aggravated robbery, pursuant to an agreement to “cap” punishment at twenty years in prison. On May 6, 2005, the trial court sentenced appellant to confinement for twenty years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a pro se notice of appeal. Because appellant had no right to appeal, this court dismissed the appeal. *See Cook v. State*, 2005 WL 2674966, No. 14-05-00941-CR (Tex. App.—Houston [14th Dist.] Oct. 20, 2005, no pet.) (not designated for publication).

On October 20, 2010, appellant filed “motion for an appeal,” which was treated as a notice of appeal and assigned to this court. This court lacks jurisdiction to consider a

second appeal from this final conviction. The exclusive post-conviction remedy in final felony convictions in Texas courts is through a writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991).

In the absence of a timely notice of appeal in compliance with Texas Rule of Appellate Procedure 26, a court of appeals does not obtain jurisdiction to address the merits of the appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Under the circumstances presented here, we can take no action other than to dismiss the appeal. *See id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Seymore, Boyce and Christopher.
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