

Dismissed and Memorandum Opinion filed January 25, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00031-CR

ERIC A. SANCHEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Court 228th District Court
Harris County, Texas
Trial Court Cause No. 1232594**

MEMORANDUM OPINION

Appellant entered a guilty plea to burglary of a habitation with intent to commit theft. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant on November 5, 2010, to confinement for twenty-five years in the Institutional Division of the Texas Department of Criminal Justice. No motion for new trial was filed. Appellant's notice of appeal was not filed until January 6, 2011.

The trial court entered a certification of the defendant's right to appeal in which the court certified that this is a plea bargain case, and the defendant has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). The trial court's certification is included in the record on

appeal. *See* Tex. R. App. P. 25.2(d). The record supports the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005).

Moreover, appellant's notice of appeal is untimely. A defendant's notice of appeal must be filed within thirty days after sentence is imposed when the defendant has not filed a motion for new trial. *See* Tex. R. App. P. 26.2(a)(1). A notice of appeal which complies with the requirements of Rule 26 is essential to vest the court of appeals with jurisdiction. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). If an appeal is not timely perfected, a court of appeals does not obtain jurisdiction to address the merits of the appeal. *Id.* Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Frost and Christopher.

Do Not Publish — Tex. R. App. P. 47.2(b).