

Motion Denied; Dismissed and Memorandum Opinion filed August 16, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00562-CR

JULIO CESAR UMANZOR, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 9416768**

MEMORANDUM OPINION

Appellant entered a plea of guilty, without an agreed recommendation on punishment, to delivery of cocaine. On July 21, 1994, the trial court sentenced appellant to probation for ten years and assessed a \$1,000 fine. On August 11, 2004, the trial court found that appellant had completed the conditions of supervision for the full term of the supervision period and signed an order discharging appellant. Appellant filed a notice of appeal of his conviction on June 24, 2011.

This court notified the parties of its intention to dismiss the appeal for want of jurisdiction unless any party filed a response demonstrating that this court has jurisdiction

over the appeal. On July 21, 2011, appellant filed a motion to retain the appeal. In his motion, appellant argues that changes in the law require that appellant's conviction be vacated. Appellant also argues that he received ineffective assistance of counsel at the time he entered his plea.

The time for appellant to challenge his conviction by appeal has long passed. 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.*

Only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from a final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* Tex. Code Crim. Proc. art. 11.07; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that article 11.07 provides the exclusive means to challenge a final felony conviction).

Accordingly, we deny appellant's motion to retain, and the appeal is ordered dismissed.

PER CURIAM

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

Do Not Publish — Tex.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