

Dismissed and Memorandum Opinion filed March 10, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00106-CR

AVERY LAMARR AYERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 1476757**

M E M O R A N D U M O P I N I O N

Appellant entered a guilty plea to forgery of a financial instrument. In accordance with the terms of a plea bargain agreement with the State, on October 6, 2015, the trial court sentenced appellant to confinement for five years in the Institutional Division of the Texas Department of Criminal Justice. Appellant's notice of appeal was not filed until January 25, 2016. We dismiss the appeal.

A defendant's notice of appeal must be filed within 30 days after sentence is imposed when the defendant has not timely filed a motion for new trial. *See* Tex. R. App. P. 26.2(a)(1). A notice of appeal that complies with the requirements of Texas Rule of Civil Procedure 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. Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

Moreover, in this case, 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).

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Wise.

Do Not Publish — Tex.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