

Dismissed and Memorandum Opinion filed March 21, 2017.



In The

Fourteenth Court of Appeals

**NO. 14-17-00044-CR
NO. 14-17-00047-CR
NO. 14-17-00048-CR**

DONALD LEE SANDERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the
230th District Court, 351st District Court, and 232nd District Court
Harris County, Texas
Trial Court Cause Nos. 818772, 1333459, and 1516061**

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

Appellant Donald Lee Sanders filed three notices of appeal. The first appeal is late, the second is impermissible due to appellant's plea bargain, and the third is an improper attempt to appeal before conviction. Accordingly, we dismiss each appeal for lack of jurisdiction.

Appeal number 14-17-00044-CR, trial number 818772. Appellant was

adjudicated guilty of burglary of a habitation and sentenced on October 20, 2000. He did not file a motion for new trial. Therefore, his notice of appeal was due within 30 days. *See* Tex. R. App. P. 26.2(a)(1). He did not file his notice of appeal until December 20, 2016.

A notice of appeal that complies with the requirements of Texas Rule of Appellate 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 and must dismiss the appeal. *Id.* Because appellant's notice of appeal was late, we lack jurisdiction over this appeal.

Appeal number 14-17-00047-CR, trial number 1333459. Pursuant to a plea bargain with the State, appellant pleaded guilty to and was convicted of robbery. He was sentenced on January 17, 2013. Because appellant's plea was made pursuant to a plea bargain, he may appeal only matters raised by a written pre-trial motion or with the trial court's permission. *See* Tex. R. App. P. 25.2(a)(2). The record does not contain any adverse pretrial rulings. Nevertheless, appellant filed a notice of appeal on December 20, 2016.

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, we lack jurisdiction over this appeal.¹

¹ Even if appellant had the right to appeal, we would lack jurisdiction because his notice of appeal was filed more than 30 days after sentence was imposed. *See* Tex. R. App. P. 26.2(a)(1).

Appeal number 14-17-00048-CR, trial number 1516061. This case is still pending in the trial court. Appellant has not been convicted.

Generally, an appellate court only has jurisdiction to consider an appeal by a criminal defendant where there has been a final judgment of conviction. *Workman v. State*, 170 Tex. Crim. 621, 343 S.W.2d 446, 447 (1961); *Skillern v. State*, 355 S.W.3d 262, 266–67 (Tex. App.—Houston [1st Dist.] 2011, pet. ref'd); *see also Leija v. State*, 456 S.W.3d 157 (Tex. Crim. App. 2015) (per curiam) (interlocutory appeals not generally permitted in criminal proceedings). Therefore, we lack jurisdiction over this appeal.

For the respective reasons stated in this opinion, we dismiss each appeal.

PER CURIAM

Panel consists of Justices Christopher, Busby, and Jewell.
Do Not Publish — Tex. R. App. P. 47.2(b).