

Dismissed and Memorandum Opinion filed May 2, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00131-CR

STEVE ALLAN MORGAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 174th District Court
Harris County, Texas
Trial Court Cause No. 948844**

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

Under a plea-bargain agreement with the State, appellant pleaded guilty to murder and was sentenced to 40 years' imprisonment on March 3, 2004. He filed a notice of appeal on March 12, 2004. We dismissed his appeal because he had no right to appeal. *See Morgan v. State*, 14-04-00266-CR, 2004 WL 1059521, *1 (Tex. App.—Houston [14th Dist.] May 6, 2004, no pet.) (mem. op.) (per curiam).

On January 6, 2017, appellant filed another notice of appeal, asserting he has a right to appeal the denial of his motion to suppress. *See Tex. R. App. P.*

25.2(a)(2) (in a plea-bargain case, a defendant may appeal only those matters raised by written motion and ruled on before trial or after getting the trial court's permission to appeal).

A defendant's notice of appeal must be filed within 30 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 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 to address the merits of the appeal. Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

Appellant's second notice of appeal was filed nearly 13 years after sentence was imposed. Even if he had the right to appeal a second time, his notice of appeal is untimely.

Accordingly, the appeal is ordered dismissed. All pending motions are denied as moot.

PER CURIAM

Panel consists of Justices Boyce, Jamison, and Brown.
Do Not Publish — Tex. R. App. P. 47.2(b).