

**Motion Dismissed as Moot; Appeal Dismissed and Memorandum Opinion
filed September 9, 2021.**



In The

Fourteenth Court of Appeals

NO. 14-21-00433-CR

DERIN KEITH MUELLER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 149th District Court
Brazoria County, Texas
Trial Court Cause No. 73524**

MEMORANDUM OPINION

Appellant was adjudicated guilty of indecency with a child by contact and sentenced to prison for eight years on August 13, 2015. Appellant filed a notice of appeal on July 30, 2021. The notice is not timely filed. *See* Tex. R. App. P. 26.2(a).

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. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). When a notice of

appeal is not timely filed, the court of appeals can take no action other than to dismiss the appeal for lack of jurisdiction.

On August 12, 2021, the parties were notified that the appeal would be dismissed for lack of jurisdiction unless a party demonstrated that the court has jurisdiction. Appellant's response does not demonstrate this court's jurisdiction.

The appeal is dismissed for want of jurisdiction and appellant's request to extend the time to file the reporter's record is dismissed as moot. *See* Tex. R. App. P. 35.5(b) (reporter's duty to file record),

PER CURIAM

Panel consists of Justices Jewell, Spain, and Wilson.

Do Not Publish — Tex.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