

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00044-CR

CARDARIEN J'VON ROBERT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 14-08-09266 CR**

MEMORANDUM OPINION

On November 20, 2014, the trial court sentenced Cardarien J'Von Robert on a conviction for aggravated robbery. Robert filed a notice of appeal on January 8, 2015. The trial court signed a certification 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 district clerk has provided the trial court's certification to the Court of Appeals. On January 28, 2015, we notified the parties that we would dismiss the

appeal unless the appellant established grounds for continuing the appeal. No response has been filed.

We must dismiss the appeal because the trial court's certification shows the defendant does not have the right of appeal. *See* Tex. R. App. P. 25.2(d). Furthermore, an appeal is perfected by timely filing a sufficient notice of appeal. *See* Tex. R. App. P. 25.2(b). Robert filed his notice of appeal more than thirty days after the date of sentencing and he failed to file a motion for extension of time and a notice of appeal within fifteen days after the deadline for filing the notice of appeal. *See* Tex. R. App. P. 26.2(a)(1), 26.3. "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." *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Accordingly, we dismiss the appeal.

APPEAL DISMISSED.

CHARLES KREGER
Justice

Submitted on March 3, 2015
Opinion Delivered March 4, 2015
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.