

**Dismissed and Opinion filed January 31, 2002.**



**In The**  
**Fourteenth Court of Appeals**

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**NO. 14-02-00047-CR**

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**ROBERTO "BOBBY" MINDIETA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 2nd 25th District Court  
Colorado County, Texas  
Trial Court Cause No. CR01-90**

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**MEMORANDUM OPINION**

After a guilty plea, appellant was convicted of the offense of murder and sentenced on July 13, 2001, to 35 years in the Institutional Division of the Texas Department of Criminal Justice. A timely motion for new trial was filed on July 26, 2001. Appellant's notice of appeal was not filed until January 2, 2002.

A defendant's notice of appeal must be filed within ninety days after sentence is imposed when the defendant has filed a timely motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). Appellant's notice of appeal was filed one hundred and seventy-three days after sentence was imposed. A notice of appeal which complies with the requirements of Rule 26

is essential to vest the court of appeals with jurisdiction. *See 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. *See id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 31, 2002.

Panel consists of Justices Anderson, Hudson, and Frost.

Do Not Publish - TEX. R. APP. P. 47.3(b).