

Dismissed and Opinion filed February 15, 2001.



In The

Fourteenth Court of Appeals

NOS. 14-01-00128-CR;
14-01-00129-CR;
14-01-00130-CR;
14-01-00131-CR

LEO BURNETT MILLER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 25th District Court
Colorado County, Texas
Trial Court Cause Nos. CR00-26; CR00-27; CR00-28

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offenses of delivery of a controlled substance and aggravated assault and was sentenced on July 25, 2000, to five years' confinement in the Institutional Division of the Texas Department of Criminal Justice. An untimely motion for new trial was filed on September 14, 2000. Appellant's notice of appeal was also filed on September 14, 2000.

A defendant's notice of appeal must be filed within thirty days after sentence is imposed when the defendant has not filed a timely motion for new trial. *See* TEX. R. APP. P. 26.2(a)(1). 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 February 15, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

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