

Dismissed and Opinion filed March 28, 2002.



In The  
**Fourteenth Court of Appeals**

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**NO. 14-02-00210-CR**

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**THOMAS BRADLEY HANDY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 338th District Court  
Harris County, Texas  
Trial Court Cause No. 818,846**

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**MEMORANDUM OPINION**

After a guilty plea to the offense of possession of a controlled substance, the trial court deferred a finding of guilt and placed appellant on community supervision. On July 31, 2000, the State filed a motion to adjudicate guilt alleging appellant had violated the terms of his community supervision. On September 14, 2000, the trial court granted the State's motion, found appellant guilty, and sentenced him to three years confinement in the Texas Department of Criminal Justice--Institutional Division and a \$1,000.00 fine. On December 18, 2000, in response to a request filed by appellant, the trial court entered a nunc pro tunc order granting appellant additional credit for time served before sentence was imposed. No

motion for new trial was filed after the September 14, 2000 judgment or the December 18, 2000 nunc pro tunc order. Appellant's notice of appeal was not filed until January 28, 2002.

A defendant's notice of appeal must be filed within thirty 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 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.*

Whether we consider the date of sentence to be September 14, 2000, or December 18, 2000, appellant's notice of appeal is untimely. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 28, 2002.

Panel consists of Justices Hudson, Fowler, and Edelman.

Do Not Publish - TEX.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