

Dismissed and Opinion filed October 25, 2001.



In The
Fourteenth Court of Appeals

NO. 14-01-00758-CR

MIGUEL GARCIA, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause No. 818,437**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of aggravated assault and sentenced on April 5, 2001, to four years' incarceration in the Institutional Division of the Texas Department of Criminal Justice. No motion for new trial was filed. Appellant's notice of appeal was not filed until July 17, 2001.

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.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed October 25, 2001.
Panel consists of Justices Anderson, Hudson, and Frost.
Do Not Publish - TEX. R. APP. P. 47.3(b).