

**Dismissed and Opinion filed December 6, 2001.**



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

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**NO. 14-01-01096-CR**

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**JOHN H. GILLEY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 179th District Court  
Harris County, Texas  
Trial Court Cause No. 850,326**

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**MEMORANDUM OPINION**

After a guilty plea, appellant was convicted of the offense of murder and sentenced to confinement for twenty years in the Institutional Division of the Texas Department of Criminal Justice on August 15, 2001. No motion for new trial was filed. Appellant's notice of appeal was not filed until October 23, 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 December 6, 2001.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish - TEX.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