

**Dismissed and Opinion filed March 9, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-00223-CR**

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**LARRY JAMES PRESTON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 178th District Court  
Harris County, Texas  
Trial Court Cause No. 724,315**

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**OPINION**

After a guilty plea, appellant was convicted of the offense of aggravated assault and sentenced to forty years' confinement in the Texas Department of Criminal Justice, Institutional Division on September 25, 1996. No motion for new trial was filed. Appellant's pro se notice of appeal was not filed until February 17, 2000.

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 March 9, 2000.

Panel consists of Chief Justice Murphy, Justices Hudson and Wittig.

Do Not Publish - TEX.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