

Dismissed and Opinion filed September 28, 2000.



In The

Fourteenth Court of Appeals

**NOS. 14-00-01133-CR;
14-00-01134-CR**

JAMES CARLBERG, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th District Court
Harris County, Texas
Trial Court Cause Nos. 660,090; 664,993**

O P I N I O N

After a guilty plea, appellant was adjudicated guilty on September 8, 1999, of the offenses of aggravated sexual assault of a child and indecency with a child and was sentenced to 20 years 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 August 11, 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 September 28, 2000.

Panel consists of Justices Anderson, Fowler, and Hudson.

Do Not Publish - TEX.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