

**Dismissed and Opinion filed February 1, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-01-00042-CR**  
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**LARRY ELLEBB, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause No. 828,597**

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**MEMORANDUM OPINION**

Appellant pleaded guilty to the offense of assault. The trial court deferred a finding of guilt and placed appellant on community supervision for five years. On May 1, 2000, the State filed a motion to adjudicate guilt, which was granted by the trial court. On November 21, 2000, the trial court found appellant guilty of the offense of assault and sentenced him to seven years in the Texas Department of Criminal Justice--Institutional. No motion for new trial was filed. Appellant's notice of appeal was not filed until January 2, 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 February 1, 2001.

Panel consists of Justices Yates, Wittig, and Frost.

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