

Dismissed and Opinion filed February 21, 2002.



In The
Fourteenth Court of Appeals

NO. 14-02-00059-CR

ROBERTO OCASIO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 37,080**

MEMORANDUM OPINION

After a jury trial, appellant was convicted of the offense of possession of a controlled substance and sentenced on August 17, 2001,¹ to fifteen years in the Institutional Division of the Texas Department of Criminal Justice. An untimely motion for new trial was filed on October 31, 2001. Appellant's notice of appeal was filed on January 11, 2002.

¹ Although the written judgment was not signed until October 9, 2001, this judgment clearly notes that sentence was imposed on August 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 timely motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). 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 January 31, 2002.
Panel consists of Justices Yates, Seymore, and Guzman.
Do Not Publish - TEX. R. APP. P. 47.3(b).