

Dismissed and Opinion filed March 1, 2001.

In The
Fourteenth Court of Appeals

NO. 14-00-00842-CR

BARRY GOLDWIN MITCHELL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 183rd District Court
Harris County, Texas
Trial Court Cause No. 838,937**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of aggravated robbery with a deadly weapon and sentenced on May 17, 2000, to 15 years incarceration in the Institutional Division of the Texas Department of Criminal Justice on. No motion for new trial was filed. Appellant's notice of appeal was not filed until June 26, 2000. On February 21, 2001, the State of Texas filed a motion to dismiss for want of jurisdiction.

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.* We grant the State's motion.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 1, 2001.

Panel consists of Justice Yates, Wittig, and Anderson.

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