

Dismissed and Opinion filed March 8, 2001.

In The
Fourteenth Court of Appeals

NO. 14-01-00175-CR

JUAN PUENTE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 179th District Court
Harris County, Texas
Trial Court Cause No. 835,035**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of possession of a controlled substance and sentenced to one year in a state jail facility on October 10, 2000. No motion for new trial was filed. Appellant's notice of appeal was not filed until January 30, 2001.¹

¹ Appellant cannot benefit from the mailing rule, TEX. R. APP. P. 9.2(b), because the notice of appeal was not received within ten days of its due date.

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 8, 2001.

Panel consists of Senior Chief Justice Murphy, Justices Edelman and Frost.²

Do Not Publish - TEX.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

² Senior Chief Justice Paul C. Murphy sitting by assignment.