

**Dismissed and Opinion filed March 29, 2001.**



**In The**

**Fourteenth Court of Appeals**

-----  
**NO. 14-98-01367-CR**  
-----

**HENRY ANTHONY JACKSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 180<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 574,333**

---

**O P I N I O N**

Appellant, Henry Anthony Jackson, pled guilty to possession of cocaine and received deferred adjudication probation for eight years. Approximately one month before the end of the eight-year probationary period, the trial court adjudicated his guilt and assessed punishment at seven years' imprisonment and a \$500 fine. Jackson appeals his conviction in three points of error, contending that deferred adjudication violated his federal and state due process rights and that deferred adjudication is an unconstitutional form of slavery.

We do not have jurisdiction to hear Jackson's appeal. A defendant must file a notice

of appeal "(1) within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order; or (2) within 90 days after the day sentence is imposed or suspended in open court if the defendant timely files a motion for new trial." TEX. R. APP. P. 26.2(a). In order to perfect an appeal from the deferred adjudication order, Jackson was required to file his notice of appeal within thirty days after that order was rendered on November 12, 1990. *See Garcia v. State*, 29 S.W.3d 899, 901 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2000, no pet.). Jackson filed his notice of appeal on October 9, 1998, after the hearing on the motion to adjudicate. This notice of appeal was almost eight years late. "A notice of appeal which complies with the requirements of Rule 26 is essential to vest the court of appeals with jurisdiction." *Id.* If an appeal is untimely filed, the court of appeals does not have jurisdiction to address the merits of the appeal and can take no action other than to dismiss the appeal. *Id.*

Accordingly, we dismiss Jackson's appeal for lack of jurisdiction.

/s/     Ross A. Sears  
          Justice

Appeal dismissed and Opinion filed March 29, 2001.

Panel consists of Justices Sears, Lee, and Amidei.\*

Do Not Publish — TEX.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

---

\* Senior Justices Ross A. Sears, Norman Lee, and Former Justice Maurice Amidei sitting by assignment.