

Dismissed and Opinion filed May 18, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00344-CR

OMAR RAMIREZ GOMEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 34,904**

O P I N I O N

Appellant was indicted for the offense of murder. After a jury trial, the jury was unable to reach a verdict and the jury was discharged. Appellant filed an application for writ of habeas corpus. The trial court granted appellant's application. The State, however, filed a motion to reconsider the grant of appellant's application for writ of habeas corpus and the trial court granted the State's motion by order signed December 10, 1999. Now, appellant is attempting to appeal from the order granting the State's motion to reconsider the granting of defendant's application for writ of habeas corpus. In other words, appellant is appealing

from a denial of his application for writ of habeas corpus. Appellant's notice of appeal was not filed until March 15, 2000.

A defendant's notice of appeal must be filed within thirty days after the trial court enters an appealable order 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 May 18, 2000.

Panel consists of Justices Yates, Fowler, and Edelman (J. Yates, not participating).

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