

Dismissed and Opinion filed July 5, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00549-CR

ROBERT BIRD CADDELL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 21st District Court
Burleson County, Texas
Trial Court Cause No. 11,998**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of possession of a controlled substance. The trial court sentenced appellant to two years confinement in the Texas Department of Criminal Justice--Institutional Division, probated for five years, and a \$1,000.00 fine. On August 10, 2000, the State filed a motion to revoke probation. On April 9, 2001, the trial court granted the State's motion and sentenced appellant to twenty months confinement in a State Jail Facility. Appellant's notice of appeal was not filed until May 10, 2001.

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 July 5, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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