

Dismissed and Opinion filed October 4, 2001.



In The
Fourteenth Court of Appeals

NO. 14-01-00752-CR

BARRY CALDWELL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 179th District Court
Harris County, Texas
Trial Court Cause No. 856,121**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of aggravated robbery and on January 17, 2001, was sentenced to 20 years in the Institutional Division of the Texas Department of Criminal Justice. A timely motion to withdraw plea was filed on February 9, 2001. Appellant's notice of appeal was not filed until July 19, 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 October 4, 2001.

Panel consists of Justices Anderson, Hudson, and Frost.

Do Not Publish - TEX.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