

Dismissed and Opinion filed November 4, 1999.



In The

Fourteenth Court of Appeals

NO. 14-99-01189-CR

MARCUS EUGENE DAVIS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 785,073**

O P I N I O N

After a guilty plea to the offense of aggravated robbery, appellant was placed on community supervision with a deferment of adjudication of guilt. On June 15, 1999, the State filed a motion to adjudicate guilt. On July 30, 1999, the court signed a judgment adjudicating guilt and sentenced to twenty years in prison. No motion for new trial was filed. Appellant's notice of appeal was not filed until October 7, 1999.

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.*

Moreover, a defendant must raise issues relating to his original plea proceeding in an appeal taken when the deferred adjudication community supervision was first imposed. *See Manuel v. State*, 994 S.W.2d 658, 660 (Tex. Crim. App. 1999).

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed November 4, 1999.

Panel consists of Chief Justice Murphy, Justices Anderson and Hudson.

Do Not Publish - TEX.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