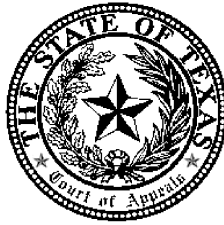


**Dismissed and Opinion filed December 6, 2001.**



**In The**  
**Fourteenth Court of Appeals**

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**NO. 14-01-01121-CR**

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**ADRIAN GUERRA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 337th District Court  
Harris County, Texas  
Trial Court Cause No. 866,658**

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**MEMORANDUM OPINION**

After a guilty plea, appellant was convicted of the offense of aggravated robbery and sentenced on July 24, 2001, to eight years' incarceration in the Institutional Division of the Texas Department of Corrections. The motion for new trial was timely filed on August 23, 2001. Appellant's notice of appeal was not filed until October 30, 2001. No motion for extension of time to file the notice of appeal was timely filed.

A defendant's notice of appeal must be filed within ninety days after sentence is imposed when the defendant has filed a timely motion for new trial. *See* TEX. R. APP. P. 26.2(a)(2). 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 December 6, 2001.

Panel consists of Justices Anderson, Hudson, and Frost.

Do Not Publish - TEX.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