

Dismissed and Opinion filed January 27, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00016-CR

CLYDE JOSEPH BURRELL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 21st District Court
Burleson County, Texas
Trial Court Cause No. 11,048**

OPINION

After a guilty plea, appellant was convicted of the offense of burglary of a habitation. Appellant also entered a plea of true to the enhancement allegations in the indictment regarding two prior felonies. The jury set appellant's punishment at sixty years confinement in prison. On appeal, this court reversed in part and remanded the cause for a new punishment hearing. *See Burrell v. State*, No. 14-94-00953-CR (Tex. App.—Houston [14th Dist.] 1998, no pet.) (not designated for publication).

On September 3, 1999, after an agreed recommendation, the trial court sentenced

appellant to twenty-five years in prison, with credit for time served. No motion for new trial was filed. Appellant's pro se notice of appeal was not filed until December 20, 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.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 27, 2000.

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

Do Not Publish - TEX.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