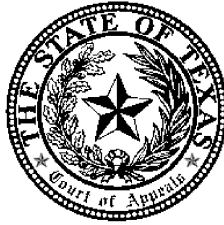


Dismissed and Opinion filed February 28, 2002.



In The

Fourteenth Court of Appeals

**NOS. 14-02-00099-CR &
14-02-00100-CR**

COURTNEY CORTEZ HALL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 339th District Court
Harris County, Texas
Trial Court Cause Nos. 892,072 & 846,656**

MEMORANDUM OPINION

In trial court cause number 846,656, appellant pled guilty without an agreed recommendation as to punishment to the offense of unauthorized use of a motor vehicle on June 9, 2000. The trial court sentenced appellant to two years confinement in the State Jail Division of the Texas Department of Criminal Justice; however, the trial court suspended the sentence and placed appellant on community supervision for four years. On April 12, 2001, the State filed a motion to revoke appellant's community supervision alleging violations of the conditions of community supervision. After a hearing, the trial court found

appellant had violated the terms of his community supervision by committing the offense of aggravated robbery and failing to obtain suitable employment. The trial court granted the State's motion, revoked appellant's community supervision, and on November 14, 2001, ordered appellant confined to the State Jail Division of the Texas Department of Criminal Justice for two years in accordance with the original sentence. No motion for new trial was filed. Appellant's notice of appeal from the revocation was not filed until January 14, 2002.

In trial court cause number 892,072, appellant pled guilty to the offense of aggravated robbery. Appellant was convicted and, in accordance with a plea bargain with the State, sentenced to eighteen years confinement in the Texas Department of Criminal Justice—Institutional Division on November 14, 2001. No motion for new trial was filed. Appellant's notice of appeal was not filed until January 14, 2002.

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, because the notices of appeal in both cases were not filed within the time limits of rule 26.2(a)(1), the appeals are ordered dismissed.¹

¹ We note that we must dismiss appellant's appeal in trial court cause number 892,072 on an additional ground. Appellant filed a general notice of appeal that did not comply with the requirements of Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 25.2(b)(3). Rule 25.2(b)(3) provides that when an appeal is from a judgment rendered on a defendant's plea of guilty or nolo contendere and the punishment assessed does not exceed the punishment recommended by the State and agreed to by the defendant, the notice of appeal must: (1) specify that the appeal is for a jurisdictional defect; (2) specify that the substance of the appeal was raised by written motion and ruled on before trial; or (3) state that the trial court granted permission to appeal. *Id.* Because the time for filing a proper notice of appeal has expired, appellant may not file an amended notice of appeal to correct jurisdictional defects. *State v. Riewe*, 13 S.W.3d 408, 413-14 (Tex. Crim. App. 2000). Because appellant's notice of appeal did not comply with the requirements of Rule 25.2(b)(3),
(continued...)

PER CURIAM

Judgment rendered and Opinion filed February 28, 2002.

Panel consists of Justices Hudson, Fowler, and Edelman.

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¹ (...continued)

we are without jurisdiction to consider any of appellant's issues, including the voluntariness of the plea. *See Cooper v. State*, 45 S.W.2d 77, 83 (Tex. Crim. App. 2001) (holding that appellant who files general notice of appeal may not appeal voluntariness of negotiated plea).