

Dismissed and Opinion filed October 11, 2001.



In The
Fourteenth Court of Appeals

NO. 14-99-00529-CR

DEMETRIA YVETTE HENRY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from 230th District Court
Harris County, Texas
Trial Court Cause No. 784,721**

OPINION

Demetria Yvette Henry appeals from her conviction for aggravated assault on a public servant. The trial court imposed sentence on February 12, 1999, and Henry filed a motion for new trial on March 12, 1999. Thus, Henry's deadline for perfecting appeal was May 13, 1999. *See* TEX. R. APP. P. 4.1(a), 26.2(a)(2). She filed her notice of appeal on May 14. She did not file a request for an extension of time for filing notice of appeal. TEX. R. APP. P. 26.3; *see Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (when a notice of appeal is filed within fifteen days of its due date, and motion for extension of time is filed in same period, appellate court has jurisdiction).

A notice of appeal which complies with the requirements of Rule 26 is essential to vest a court of appeals with jurisdiction. *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 have jurisdiction to address the merits of the appeal. Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

We thus dismiss Henry's appeal for lack of jurisdiction.

/s/ Charles W. Seymore
Justice

Judgment rendered and Opinion filed October 11, 2001.

Panel consists of Chief Justice Brister and Justices Fowler and Seymore.

Do Not Publish — TEX.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