

Dismissed and Opinion filed October 19, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-01199-CR

MARIA DOLORES ALCORN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause No. 32,209**

OPINION

After a jury trial, appellant was convicted of the offense of aggravated assault and on August 15, 2000, was sentenced to 8 years in the Institutional Division of the Texas Department of Criminal Justice. An untimely motion for new trial was filed by appellant's counsel on September 18, 2000. Appellant's counsel also filed appellant's notice of appeal on September 18, 2000. Appellant filed her own notice of appeal, but filed it in the Court of Criminal Appeals, rather than with the Fort Bend District Court. Appellant did not file a motion for extension of time with the late notice of appeal.

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). The rules do not provide an exception for documents filed in the wrong court. *See Rivera v. State*, 940 S.W.2d 148, 149 (Tex. App.—San Antonio 1996, no writ). 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 October 19, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

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