

**Dismissed and Opinion filed December 21, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01508-CR**  
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**JOSE MARTINEZ, JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause No. 821,516**

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**O P I N I O N**

After a guilty plea to the offense of aggravated sexual assault of a child under 14 years of age, the trial court deferred adjudication of guilt and placed appellant under the terms and conditions of community supervision for a period of 5 year. After finding appellant had violated certain conditions of community supervision, the trial court adjudicated appellant guilty of the offense and sentenced him on October 5, 2000, to 7 years in the Texas Department of Criminal Justice, Institutional Division. No motion for new trial was filed. Appellant's notice of appeal was not filed until November 9, 2000.

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 December 21, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

Do Not Publish - TEX.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