

**Dismissed and Opinion filed April 27, 2000.**



**In The**  
**Fourteenth Court of Appeals**

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**NO. 14-99-01037-CR**

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**CHARLES ERNEST FOSTER, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 85th District Court  
Harris County, Texas  
Trial Court Cause No. 26,773-85**

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**OPINION**

After a trial to the bench, appellant was convicted of the offense of possession, with intent to deliver, of a controlled substance, Penalty Group I greater than or equal to 4 grams but less than 200 grams. Appellant was sentenced to 35 years in the Institutional Division of the Texas Department of Criminal Justice on July 27, 1999. No motion for new trial was filed. Appellant's notice of appeal was not filed until August 27, 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 April 27, 2000.

Panel consists of Justices Yates, Fowler, and Edelman.

Do Not Publish - TEX.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