

Dismissed and Opinion filed September 23, 1999.



In The

Fourteenth Court of Appeals

NO. 14-99-00990-CR

SHONDRE MCCOY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 339th District Court
Harris County, Texas
Trial Court Cause No. 699,746**

OPINION

After a guilty plea, the trial court placed appellant on deferred adjudication. The State subsequently filed a motion to adjudicate. After granting the motion to adjudicate, appellant was convicted of the offense of aggravated assault and sentenced to five years in the Texas Department of Criminal Justice–Institutional Division on June 24, 1999. No motion for new trial was filed. Appellant’s notice of appeal was not filed until August 2, 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 September 23, 1999.

Panel consists of Justices Amidei, Edelman, and Wittig.

DO NOT PUBLISH - TEX. R. APP. P. 47.3(b).