

Dismissed and Opinion filed October 7, 1999.



In The

Fourteenth Court of Appeals

NO. 14-99-01066-CR

JOHNNY LEE WALLEY, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 788,892**

OPINION

After a guilty plea, appellant was convicted of the offense of misdemeanor assault and sentenced to one year in the Harris County Jail on June 2, 1999. No motion for new trial was filed. Appellant's pro se 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 October 7, 1999.

Panel consists of Chief Justice Murphy, Justices Anderson and Hudson.

Do Not Publish - TEX.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