

**Dismissed and Opinion filed November 16, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NOS. 14-00-01283-CR;  
14-00-01284-CR**  
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**JASON DOMINGO GUZMAN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause Nos. 837,044; 837,350**

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**O P I N I O N**

After a guilty plea, appellant was convicted on August 25, 2000, of the offenses of forgery and delivery by actual transfer of a controlled substance. With respect to the offense of forgery, appellant was sentenced on August 25, 2000, to one year in the State Jail Division of the Texas Department of Criminal Justice (TDCJ). With respect to the offense of delivery of a controlled substance, appellant was sentenced on August 25, 2000, to 12 years in TDCJ, Institutional Division. No motion for new trial was filed. Appellant's notice of appeal was not filed until September 29, 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.*

If an appellant files a notice of appeal within fifteen days after it is due and files a motion for extension of time to file the notice of appeal within this fifteen-day period, a late notice of appeal may be considered. TEX. R. APP. P. 26.3. However, the Court of Criminal Appeals has held that when a notice of appeal is filed within the fifteen-day period after it is due, and no timely motion for extension of time is filed within that fifteen-day period, an appellate court lacks jurisdiction. Although appellant filed a motion to extend the time to file notice of appeal on November 7, 2000, this motion was not filed within the fifteen-day period after the notice of appeal was due. Accordingly, this court has no jurisdiction and the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed November 16, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

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