

Dismissed and Opinion filed February 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-02-00076-CR

GEORGE ALBERT SEARS, III, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 240th District Court
Fort Bend County, Texas
Trial Court Cause No. 33,565**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of driving while intoxicated and sentenced to confinement for ten years in the Institutional Division of the Texas Department of Criminal Justice, probated for five years, on December 19, 2000. On September 20, 2001, the State filed its first amended motion to revoke probation. On October 23, 2001, the trial court revoked appellant's probation and sentenced him to confinement for ten years in the Institutional Division of the Texas Department of Criminal Justice. No motion for new trial was filed. Appellant's notice of appeal was not filed until

January 4, 2002.

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 February 14, 2001.

Panel consists of Chief Justice Brister and Justices Anderson and Frost.

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