

Dismissed and Opinion filed March 21, 2002.



In The
Fourteenth Court of Appeals

NO. 14-02-00062-CR

HAYWARD HAMILTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 870,651**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of burglary of a habitation and sentenced on October 23, 2001, to fifteen years' incarceration in the Texas Department of Criminal Justice, Institutional Division. No motion for new trial was filed. Appellant's notice of appeal was not filed until November 28, 2001.

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 March 21, 2002.

Panel consists of Justices Yates, Seymore, and Guzman.

Do Not Publish - TEX.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