

Dismissed and Opinion filed September 28, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-01154-CR

RODNEY POUILLARD, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 21st District Court
Burleson County, Texas
Trial Court Cause No. 11,589**

OPINION

After a plea of nolo contendere, appellant was convicted of the offense of aggravated assault and sentenced to five years deferred adjudication probation on February 3, 1997. On May 11, 1999, a judgment adjudicating guilt was entered and appellant was sentenced to ten years in prison. No motion for new trial was filed. Appellant's notice of appeal was not filed until August 28, 2000. Included in the record filed in these appeals is appellant's motion for leave to file his notice of appeal late.

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). An appellate court may only extend the time to file the notice of appeal if a motion to extend time is filed with the appellate court within fifteen days of the deadline for filing the notice of appeal. *See* TEX. R. APP. P. 26.3; *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). 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.*

This court has no jurisdiction to consider this appeal because appellant failed to file a notice of appeal and motion for extension of time within the fifteen-day period after the deadline for filing the notice of appeal. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed September 28, 2000.

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

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