

Dismissed and Memorandum Opinion filed August 26, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00662-CR

ROBERT LEE BANARGENT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 240th District Court
Fort Bend County, Texas
Trial Court Cause No. 41181A**

MEMORANDUM OPINION

After a jury trial, appellant was convicted of the offense of aggravated assault and sentenced to life in prison on October 14, 2005. No timely motion for new trial was filed. Appellant's notice of appeal was not filed until July 13, 2010.

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. *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. *Id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Anderson, Frost, and Brown.

Do Not Publish — Tex. R. App. P. 47.2(b).