

Dismissed and Memorandum Opinion filed November 4, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00991-CR

DWAINE ALLEN COLLIER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1204040

MEMORANDUM OPINION

After a plea of guilty, appellant was convicted of engaging in organized criminal activity. On December 9, 2009, the trial court sentenced appellant to confinement for twenty-five 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 September 22, 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. *Id.* Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

Appellant filed a motion to extend time to file his notice of appeal on September 22, 2010. We may extend time to file a notice of appeal in a criminal case only when the notice of appeal and motion to extend time are filed within fifteen days of the deadline for filing the notice of appeal. *See* Tex. R. App. P. 26.3. We deny the motion for extension.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Christopher.
Do Not Publish — Tex. R. App. P. 47.2(b).