

Dismissed and Memorandum Opinion filed November 18, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-01033-CR

ROBERT EARL HOLMES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 228th District Court
Harris County, Texas
Trial Court Cause No. 1251976**

MEMORANDUM OPINION

After a jury trial, appellant was convicted of violation of a protective order. On September 10, 2010, the trial court sentenced appellant to confinement for eight years in the Institutional Division of the Texas Department of Criminal Justice. No timely motion for new trial was filed. Appellant's notice of appeal was not filed until October 18, 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Do Not Publish — Tex.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).