

Dismissed and Memorandum Opinion filed March 11, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00172-CR

REYNALDO ALEXIS SARA VIA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 58,851**

MEMORANDUM OPINION

A jury convicted appellant of murder. The trial court sentenced appellant to confinement for twenty years in the Institutional Division of the Texas Department of Criminal Justice on August 20, 2009. No motion for new trial was filed. Appellant did not file his *pro se* notice of appeal until February 5, 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 that 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.¹ *Id.* Because appellant's notice of appeal is untimely, we have no jurisdiction to take any action in this appeal but to dismiss it. *See id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

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Do Not Publish — Tex.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

¹ Appellant may pursue an out-of-time appeal by filing an application for writ of habeas corpus returnable to the Court of Criminal Appeals. *See* Tex.Code Crim. Proc. art. 11.07 (Vernon 2005); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991).