

Dismissed and Memorandum Opinion filed March 1, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00124-CR

DONTREY LAMON EASON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 179th District Court
Harris County, Texas
Trial Court Cause No. 1238829**

MEMORANDUM OPINION

Appellant entered a plea of guilty to theft of between \$100,000 and \$200,000. After a pre-sentence investigation, on December 7, 2010, the trial court sentenced appellant to confinement for eight 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 January 12, 2011.¹

¹ The notice of appeal is dated January 10, 2011, more than thirty days after sentencing. Therefore, the "mailbox" rule will not operate to extend the time for filing the notice of appeal. *See* Tex. R. App. P. 9.29(b) (providing that a document received within 10 days of its due date is considered timely if it is mailed before the last day for filing).

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. *Id.* 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 Chief Justice Hedges and Justices Frost and Christopher.
Do Not Publish — Tex. R. App. P. 47.2(b).