

Dismissed and Memorandum Opinion filed September 13, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00735-CR

CORDELL HINES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1278982**

MEMORANDUM OPINION

Appellant entered a guilty plea to murder. On July 11, 2011, the trial court sentenced appellant to confinement for thirty-eight years in the Institutional Division of the Texas Department of Criminal Justice. No timely motion for new trial was filed. Appellant's pro se notice of appeal was not filed until August 16, 2011.

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. Under those circumstances it can take no action other than to dismiss the appeal. *Id.*

Appellant's notice of appeal was due August 10, 2011. The record reflects appellant executed his notice of appeal "8-11-11." The envelope is postmarked August 12, 2011. Even if we considered these dates, none are timely.

Although the date of filing is within fifteen days after the deadline, no motion for extension of time was filed. *See* Tex. R. App. P. 26.3. In a criminal case, a late notice of appeal will not invoke our jurisdiction unless a motion for extension of time is also filed within fifteen days of the last day allowed for filing the notice of appeal. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App.1996).

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Frost, Seymore and Jamison.
Do Not Publish—Tex. R. App. P. 47.2(b).