

Dismissed and Memorandum Opinion filed December 4, 2012.



In The

Fourteenth Court of Appeals

NO. 14-12-00434-CR

EX PARTE WOODROW MILLER

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 876249-D**

M E M O R A N D U M O P I N I O N

On October 16, 2008, appellant filed an application for writ of habeas corpus in the trial court. On October 30, 2008, the trial court denied appellant's application as frivolous pursuant to article 11.072 § 7(a) of the Texas Code of Criminal Procedure. Appellant's notice of appeal was not filed until April 26, 2012.

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 Chief Justice Hedges and Justices Brown and Busby.
Do Not Publish — Tex. R. App. P. 47.2(b).