

Motion Denied; Appeal Dismissed and Memorandum Opinion filed November 13, 2012.



In The

Fourteenth Court of Appeals

NO. 14-12-00974-CR

DEBBIE MALLARD, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 67905**

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

Appellant was convicted of the offense of aggravated theft and sentenced to 20 years' confinement on August 27, 2012. No motion for new trial was filed. Appellant's notice of appeal was not filed until October 16, 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). The appellate court may extend the time to file the notice of appeal if, within

15 days after the deadline for filing the notice of appeal, the party: (a) files in the trial court the notice of appeal; and (b) files in the appellate court a motion complying with Rule 10.5(b). Tex. R. App. P. 26.3. On October 16, 2012, appellant filed a motion to extend time to file the notice of appeal outside the 15-day grace period permitted by Rule 26.3. Therefore, we deny appellant's motion.

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 Seymore, Boyce, and McCally.

Do Not Publish — Tex. R. App. P. 47.2(b).