

**Dismissed and Memorandum Opinion filed August 14, 2014.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-14-00505-CR**

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**FRANKIE L. POLK, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 351st District Court  
Harris County, Texas  
Trial Court Cause No. 1175958**

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

This is an attempted appeal from the trial court's order signed December 5, 2013, denying appellant's post-conviction motion for forensic DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure.<sup>1</sup> Appellant filed a *pro se* notice of appeal on May 19, 2014. Appellant's notice of appeal is untimely.

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<sup>1</sup> This court affirmed appellant's conviction for sexual assault of a child. *See Polk v. State*, No. 14-09-00131-CR, 2010 WL 3354012 (Tex. App.—Houston [14th Dist.] Aug. 26, 2010, pet. dism'd) (not designated for publication).

A defendant's notice of appeal must be filed within thirty days after an appealable order is signed. *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 and the court can take no action other than to dismiss the appeal. *Id.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Donovan and Brown.

Do Not Publish — Tex.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