

Dismissed and Memorandum Opinion filed October 25, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00738-CR

BRENETTA SHERMAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1389343**

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

After a jury trial, appellant was convicted of the offense of theft and sentenced to four years' imprisonment on April 15, 2014. No timely motion for new trial was filed. Appellant's notice of appeal was not filed until September 1, 2016.¹

¹ Appellant previously filed a notice appeal from this same judgment on April 15, 2014. On March 5, 2015, this court affirmed appellant's conviction. *Sherman v. State*, No. 14-14-

A defendant's notice of appeal must be filed within 30 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.*

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Busby, Donovan, and Brown.

Do Not Publish — Tex.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