

Motion denied; Dismissed and Memorandum Opinion filed April 11, 2017.



In The

Fourteenth Court of Appeals

NO. 14-16-00912-CR

LUIS ANTONIO MORENO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Cause No. 1416368**

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

Appellant Luis Antonio Moreno appeals his conviction for aggravated assault of a family member. On March 29, 2016, after violating the terms of his deferred adjudication, the trial court signed a judgment adjudicating appellant's guilt and sentenced him to ten years' imprisonment in the Institutional Division of the Texas Department of Criminal Justice. No timely motion for new trial was filed. Appellant's notice of appeal was not filed until November 2, 2016.

On March 6, 2017, appellant's appointed counsel, David L. Garza, filed an *Anders*¹ brief, contending the appeal is wholly frivolous and without merit, and a motion to withdraw as attorney of record. The motion is denied.

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 Boyce, Jamison, and Brown.
Do Not Publish — Tex. R. App. P. 47.2(b).

¹ *Anders v. California*, 386 U.S. 738 (1967).