



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00430-CR

CECIL R. MCDONALD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2000-434,614, Honorable Bradley S. Underwood, Presiding

November 29, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Appellant, Cecil R. McDonald, has filed a notice of appeal in this Court in which he again attempts to appeal his conviction for murder in trial court cause number 2000-434,614. A direct appeal from this conviction was disposed of on its merits by this Court by our opinion of August 29, 2007, in which we affirmed his conviction. See *McDonald v. State*, No. 07-06-00276-CR, 2007 Tex. App. LEXIS 7139 (Tex. App.—Amarillo Aug.

29, 2007, pet. ref'd) (mem. op., not designated for publication).¹ Nonetheless, this is McDonald's eighth attempt to perfect another appeal from this conviction. This Court has rejected his prior attempts, as has the Texas Court of Criminal Appeals and the United States Supreme Court.² We again dismiss his purported appeal.

As we have repeatedly stated in our prior opinions, this Court lacks jurisdiction to consider a second appeal from McDonald's 2001 conviction.³ See *McDonald v. State*, No. 07-13-00438-CR, 2014 Tex. App. LEXIS 586, at *4 (Tex. App.—Amarillo Jan. 17, 2014, no pet.) (mem. op., not designated for publication). Accordingly, we dismiss this appeal for want of jurisdiction.

Mackey K. Hancock
Justice

Do not publish.

¹ Because McDonald's first notice of appeal, *sub nom*, from his 2001 conviction was filed untimely, we dismissed his original appeal on that basis. See *Trimble v. State*, No. 07-02-00101-CR, 2002 Tex. App. LEXIS 1656 (Tex. App.—Amarillo March 4, 2002, no pet.) (per curiam). The Texas Court of Criminal Appeals later granted McDonald an out-of-time appeal. See *Ex parte McDonald*, No. AP-75,435, 2006 Tex. Crim. App. Unpub. LEXIS 723 (Tex. Crim. App. June 14, 2006) (per curiam) (not designated for publication).

² We disposed of McDonald's latest attempted appeal in *McDonald v. State*, No. 07-16-00067-CR, 2016 Tex. App. LEXIS 1497 (Tex. App.—Amarillo Feb. 11, 2016, pet. ref'd) (mem. op., not designated for publication). And, the Texas Court of Criminal Appeals refused his petition for discretionary review. See *In re McDonald*, PD-0243-16, 2016 Tex. Crim. App. LEXIS 484 (Tex. Crim. App. April 27, 2016). The United States Supreme Court has also denied writ of certiorari in a prior appeal. See *McDonald v. Texas*, 136 S. Ct. 72, 193 L. Ed. 2d 69, 2015 U.S. LEXIS 5227 (U.S. Oct. 5, 2015).

³ Until the legislature provides a process for an appellate court to deem a person a vexatious litigant, this Court is without any power to prohibit McDonald from filing any future frivolous appeals.