



**In the  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-23-00073-CR

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HOLLY MICHELLE MESSICK, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 5th District Court  
Bowie County, Texas  
Trial Court No. 21F0879-005

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Before Stevens, C.J., van Cleef and Rambin, JJ.  
Memorandum Opinion by Chief Justice Stevens

## MEMORANDUM OPINION

Holly Michelle Messick has filed an untimely notice of appeal from the trial court's judgment revoking her community supervision and sentencing her to two years' incarceration for possession of a controlled substance. We dismiss the appeal for want of jurisdiction.

Sentence was imposed in this matter on September 19, 2022, and Messick did not file a motion for new trial. As a result, Messick's notice of appeal was due on or before October 19, 2022. *See* TEX. R. APP. P. 26.2(a)(1). Messick did not file her notice of appeal until March 24, 2023, well past the deadline for filing such notice. Consequently, Messick's attempt to appeal her revocation judgment in this matter was untimely. The Texas Court of Criminal Appeals has expressly held that, without a timely filed notice of appeal, we cannot exercise jurisdiction over an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998) (per curiam).

By letter dated April 17, 2023, we notified Messick that her notice of appeal appeared to be untimely and that the appeal was subject to dismissal for want of jurisdiction. We gave Messick twenty days to respond to our letter and to demonstrate how we have jurisdiction over the appeal notwithstanding the noted defect. Messick did not respond to our letter.

Because Messick did not timely file her notice of appeal, we dismiss the appeal for want of jurisdiction.

Scott E. Stevens  
Chief Justice

Date Submitted: May 15, 2023  
Date Decided: May 16, 2023

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