



In The  
**Eleventh Court of Appeals**

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No. 11-17-00165-CR

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**DONALD ALLEN TURNER, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 142nd District Court  
Midland County, Texas  
Trial Court Cause No. CRA-16,002**

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**MEMORANDUM OPINION**

Donald Allen Turner, Appellant, has filed an untimely notice of appeal in this cause. Appellant attempts to appeal from the adjudication of his guilt with respect to three counts of indecency with a child by contact. We dismiss the appeal.

The documents on file in this case indicate that Appellant's sentence for each count was imposed on November 3, 1993, and that his notice of appeal was filed in the district clerk's office on June 15, 2017. Pursuant to TEX. R. APP. P. 26.2(a), a

notice of appeal is due to be filed either (1) within thirty days after the date that sentence is imposed in open court or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed in open court. A notice of appeal must be in writing and filed with the clerk of the trial court. TEX. R. APP. P. 25.2(c)(1). The documents on file in this court reflect that Appellant's notice of appeal was filed with the clerk of the trial court more than twenty-three years after Appellant's sentences were imposed. The notice of appeal was, therefore, untimely. Absent a timely filed notice of appeal or the granting of a timely motion for extension of time, we do not have jurisdiction to entertain this appeal. *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522–23 (Tex. Crim. App. 1996); *Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993).

When the appeal was filed in this court, we notified Appellant by letter that the notice of appeal appeared to be untimely and that the appeal may be dismissed for want of jurisdiction. We requested that Appellant respond to our letter and show grounds to continue. Appellant filed a response in which he asserts that he was not afforded effective assistance of counsel during the punishment phase of the adjudication proceeding. We have considered Appellant's response; however, we are without authority to proceed with this appeal. *See Slaton*, 981 S.W.2d at 210.

Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

July 13, 2017

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.