

DISMISS; and Opinion Filed August 20, 2014.



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-14-01077-CR

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**DONALD RAY MCCRAY, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 282nd Judicial District Court**  
**Dallas County, Texas**  
**Trial Court Cause No. F87-82980-QS**

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**MEMORANDUM OPINION**

Before Justices Lang, Myers, and Brown  
Opinion by Justice Brown

Donald Ray McCray was convicted of murder in 1992 and sentenced to thirty-five years' imprisonment. This Court affirmed his conviction on direct appeal. *McCray v. State*, 861 S.W.2d 405 (Tex. App.—Dallas 1993, no pet.). The Court now has before it appellant's notice of appeal. The notice of appeal does not reference any new appealable order entered by the trial court, and it is untimely as to the July 14, 1992 sentencing date referenced in the notice of appeal. We conclude we have no jurisdiction over the appeal.

"Jurisdiction concerns the power of a court to hear and determine a case." *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The jurisdiction of an appellate court must be legally invoked, and, if not, the power of the court to act is as absent as if it did not exist. *See id.* at 523. To invoke the Court's jurisdiction, an appellant must file his notice of appeal within the

time provided by the rules of appellate procedure. *See id.*; *see also Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam).

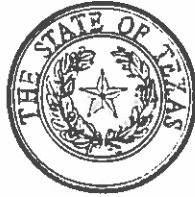
Here, appellant's sentence was imposed on July 14, 1992, and he appealed at that time. Appellant's notice of appeal does not reference any recent proceedings, and is untimely as to the 1992 sentencing date. *See* TEX. R. APP. P. 26.2(a) (notice of appeal filed by defendant). Therefore, we conclude we lack jurisdiction over the appeal. *See Slaton*, 981 S.W.2d at 210; *Olivo*, 918 S.W.2d at 523.

We dismiss the appeal for want of jurisdiction.

/Ada Brown/  
ADA BROWN  
JUSTICE

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TEX. R. APP. P. 47

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DONALD RAY MCCRAY, Appellant

No. 05-14-01077-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 282nd Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. F87-82980-QS.

Opinion delivered by Justice Brown,  
Justices Lang and Myers participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 20th day of August, 2014.