

Dismissed and Opinion Filed December 20, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-01428-CR

No. 05-16-01429-CR

No. 05-16-01430-CR

KENDREA SHANTELL TAYLOR, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 15th Judicial District Court
Grayson County, Texas
Trial Court Cause Nos. 063949, 064596 & 064597

MEMORANDUM OPINION

Before Justices Francis, Fillmore, and Stoddart
Opinion by Justice Francis

Kendrea Shantell Taylor appeals her convictions for possession with intent to deliver 200 grams or more but less than 400 grams of methamphetamine, possession of less than one gram of psilocybin, and two counts of possession with intent to deliver 4 grams or more but less than 200 grams of methamphetamine. We dismiss these appeals for lack of jurisdiction.

Jurisdiction concerns the court's power 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; if it is not, "the power of the court to act is as absent as if it did not exist." *See id.* at 523. Whether an appellate court has jurisdiction to hear and determine a case "is not whether the appeal is precluded by law, but whether the appeal is authorized by law." *Blanton v. State*, 369 S.W.3d 894, 902 (Tex. Crim. App. 2012). The right to appeal in a criminal case is statutorily

created. *See McKinney v. State*, 207 S.W.3d 366, 374 (Tex. Crim. App. 2006); *Griffin v. State*, 145 S.W.3d 645, 646 (Tex. Crim. App. 2004); *see also* TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2006) (providing right of appeal for defendant); TEX. R. APP. P. 25.2(a)(2) (rules for appeal by defendant). Appellate courts may consider appeals by criminal defendants only after conviction or the entry of an appealable order and a timely filed notice of appeal. *See Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.); TEX. R. APP. P. 26.2(a).

The record reflects the trial court’s judgments were entered September 4, 2014. No motions for new trial were filed; therefore, appellant’s notices of appeal were due October 4, 2014. *See* TEX. R. APP. P. 26.2(a)(1). Appellant filed her notices of appeal on December 6, 2016, outside of the thirty-day period allowed by rule 26.2. Because her notices of appeal were untimely, we lack jurisdiction to “dispose of the purported appeal[s] in any manner other than by dismissing [them] for lack of jurisdiction.” *Olivo*, 918 S.W.2d at 523; *see Boyd v. State*, 971 S.W.2d 603, 605 (Tex. App.—Dallas 1998, no pet.).

We dismiss these appeals for want of jurisdiction.

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TEX. R. APP. P. 47
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/Molly Francis/
MOLLY FRANCIS
JUSTICE



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

JUDGMENT

KENDREA SHANTELL TAYLOR,
Appellant

No. 05-16-01428-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 15th Judicial District
Court, Grayson County, Texas
Trial Court Cause No. 063949.

Opinion delivered by Justice Francis,
Justices Fillmore and Stoddart participating.

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

Judgment entered December 20, 2016.



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

JUDGMENT

KENDREA SHANTELL TAYLOR,
Appellant

No. 05-16-01429-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 15th Judicial District
Court, Grayson County, Texas
Trial Court Cause No. 064596.

Opinion delivered by Justice Francis,
Justices Fillmore and Stoddart participating.

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

Judgment entered December 20, 2016.



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

JUDGMENT

KENDREA SHANTELL TAYLOR,
Appellant

No. 05-16-01430-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 15th Judicial District
Court, Grayson County, Texas
Trial Court Cause No. 064597.

Opinion delivered by Justice Francis,
Justices Fillmore and Stoddart participating.

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

Judgment entered December 20, 2016.