

DISMISS; and Opinion Filed January 26, 2018.



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

No. 05-18-00062-CR

No. 05-18-00063-CR

WARREN TYRON CALHOUN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F15-52259-N & F15-52260-N**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Fillmore

Warren Tyron Calhoun appeals his convictions for possession of four grams or more but less than 200 grams of cocaine and four grams or more but less than 200 grams of phencyclidine. On July 23, 2015, appellant pleaded guilty to both offenses pursuant to a plea bargain with the State, and the trial court placed appellant on deferred adjudication for nine years. The State later filed a motion to proceed with an adjudication of guilt in each case. On March 3, 2017, after appellant entered pleas of true to the State's allegations of violations of his community supervision, the trial court found him guilty of each offense and assessed punishment at twenty-five years in prison in each case. Appellant filed notices of appeal in the trial court on May 12, 2017; those notices were forwarded to this Court on January 19, 2018.

In a criminal case where no motion for new trial has been filed, an appellant invokes the jurisdiction of this Court by filing a written notice of appeal within thirty days after the date sentence was imposed. *See* TEX. R. APP. P. 26.2(a). The appellate court may grant an extension to file a notice of appeal if, within fifteen days after the due date for the notice of appeal, the prospective appellant files in the trial court a written notice of appeal and files in the appellate court a motion to extend the time to file the notice of appeal. *See* TEX. R. APP. P. 10.5(b)(2), 26.3. Absent a timely notice of appeal or a timely request for extension, this Court does not have jurisdiction over the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

Here, appellant's sentences were imposed on March 3, 2017. Appellant did not file timely motions for new trial; thus, his notices of appeal were due on April 2, 2017. Because he filed his notices of appeal on May 12, 2017, we lack jurisdiction over these appeals.

We dismiss these appeals.

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)

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

JUDGMENT

WARREN TYRON CALHOUN, Appellant

No. 05-18-00062-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 195th Judicial District
Court, Dallas County, Texas.

Trial Court Cause No. F15-52259-N.

Opinion delivered by Justice Fillmore,
Justices Lang-Miers and Stoddart
participating.

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

Judgment entered this 26th day of January, 2018.



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

JUDGMENT

WARREN TYRON CALHOUN, Appellant

No. 05-18-00063-CR V.

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On Appeal from the 195th Judicial District
Court, Dallas County, Texas.
Trial Court Cause No. F15-52260-N.
Opinion delivered by Justice Fillmore,
Justices Lang-Miers and Stoddart
participating.

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

Judgment entered this 26th day of January, 2018.