

DISMISS; and Opinion Filed June 8, 2018.



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

No. 05-18-00492-CR

No. 05-18-00493-CR

GEOGERY LYNN SHELTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 7
Dallas County, Texas
Trial Court Cause Nos. F13-51028-Y & F13-51029-Y**

MEMORANDUM OPINION

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

Geogery Lynn Shelton appeals two convictions for aggravated sexual assault of a child younger than fourteen years of age. On August 4, 2017, following the jury's verdicts of guilty, the trial court sentenced Shelton to forty years in prison for each offense. Shelton filed a motion for new trial on September 1, 2017; he filed his notices of appeal on May 1, 2018.

In a criminal case where a motion for new trial has been filed, an appellant invokes the jurisdiction of this Court by filing a written notice of appeal within ninety days after the date sentence was imposed. *See* TEX. R. APP. P. 26.2(a)(2). 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, Shelton's sentences were imposed on August 4, 2017. Because a motion for new trial was filed September 1, 2017, his notices of appeal were due no later than November 2, 2017. Because he filed his notices of appeal on May 4, 2018, we lack jurisdiction over these appeals.

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE

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TEX. R. APP. P. 47.2(b)

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

JUDGMENT

GEOGERY LYNN SHELTON, Appellant

No. 05-18-00492-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 7, Dallas County, Texas.

Trial Court Cause No. F13-51028-Y.

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

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

Judgment entered this 8th day of June, 2018.



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

JUDGMENT

GEOGERY LYNN SHELTON, Appellant

No. 05-18-00493-CR V.

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On Appeal from the Criminal District Court
No. 7, Dallas County, Texas.

Trial Court Cause No. F13-51029-Y.

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

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

Judgment entered this 8th day of June, 2018.