



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

**NO. 02-18-00052-CR
NO. 02-18-00053-CR
NO. 02-18-00054-CR**

THOMAS CRAIG BUCKBEE

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 396TH DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NOS. 1506217D, 1504582D, 1504584D

MEMORANDUM OPINION¹

Appellant Thomas Craig Buckbee attempts to appeal the trial court's judgments in three cases. Because we have no jurisdiction over these appeals, we dismiss them.

¹See Tex. R. App. P. 47.4.

In trial court cause number 1506217D, Appellant pled guilty to one count of aggravated assault with a deadly weapon (a vehicle) in exchange for the waiver of two other counts and the waiver of repeat-offender enhancement allegations. See Tex. Penal Code Ann. § 22.02(a)(2), (b) (West 2011). He also signed a boilerplate waiver of appeal. The trial court followed the charge bargain, see *Shankle v. State*, 119 S.W.3d 808, 813 (Tex. Crim. App. 2003), convicted Appellant, and sentenced him to thirteen years' confinement, see Tex. Penal Code Ann. § 12.33(a) (West 2011).

In trial court cause number 1504582D, Appellant pled guilty to evading arrest or detention with a vehicle, see *id.* § 38.04(b)(2)(A) (West 2016), and he pled true to the repeat-offender enhancement allegations, see *id.* § 12.42(a) (West Supp. 2017). The trial court convicted him and sentenced him to thirteen years' confinement. See *id.* § 12.33(a).

In trial court cause number 1504584D, Appellant pled guilty to unauthorized use of a motor vehicle, see *id.* § 31.07 (West 2016), and he pled true to the repeat-offender enhancement allegations, see *id.* § 12.425(a) (West Supp. 2017). He also signed a boilerplate waiver of appeal. The trial court convicted him and sentenced him to ten years' confinement. See *id.* § 12.34(a) (West 2011).

The trial court ordered the three sentences to run concurrently.

The trial court sentenced Appellant in all three cases on November 28, 2017, and he did not file a motion for new trial. Accordingly, Appellant's notice of

appeal in each case was due by December 28, 2017, but he did not file his notices of appeal until January 9, 2018. See Tex. R. App. P. 26.2(a) (providing that a notice of appeal must be filed within thirty days of sentencing absent a timely motion for new trial). His notices of appeal were therefore filed too late. See *id.* Appellant also did not file a timely motion to extend the deadline for his notice of appeal in any of the cases. See Tex. R. App. P. 26.3 (allowing this court to extend the time for filing a notice of appeal if, within fifteen days after the deadline for filing the notice of appeal has passed, the appellant files a notice of appeal in the trial court and a motion for an extension of time in this court).

We informed Appellant by letter of our concern that we lack jurisdiction over these appeals because his notices of appeal, which were due December 28, 2017, were untimely filed. See Tex. R. App. P. 26.2(a), 26.3(b). We stated that these appeals were subject to dismissal absent a response showing grounds for continuing them. Appellant has filed a response, but it does not show grounds allowing us to consider these appeals.

A notice of appeal that complies with the requirements of rule 26 is essential to vest this court with jurisdiction over an appeal. See Tex. R. App. P. 26.2. The Texas Court of Criminal Appeals has expressly held that without a timely filed notice of appeal or motion for extension of time to file that notice of appeal, we cannot exercise jurisdiction over an appeal. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The *Olivo* court declined to adopt the “civil appellate approach” that would allow us to imply a timely filed motion for

an extension of time to file a notice of appeal from a late notice of appeal filed within fifteen days of its due date. *Id.* at 522–25; *Kessinger v. State*, 26 S.W.3d 725, 726 (Tex. App.—Fort Worth 2000, pet. ref'd); *cf. Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

Because Appellant filed his pro se notices of appeal too late and did not file a timely motion for an extension of time to file the notices of appeal, we dismiss these appeals for want of jurisdiction, and we dismiss all of Appellant's pending requests. See Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: PITTMAN, J.; SUDDERTH, C.J.; and BIRDWELL, J.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: May 17, 2018