



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-20-00130-CR  
No. 02-20-00131-CR

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CORY RAY SHELBY, Appellant

V.

THE STATE OF TEXAS

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On Appeal from the 432nd District Court  
Tarrant County, Texas  
Trial Court Nos. 1472176D, 1503573D

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Before Gabriel, Kerr, and Birdwell, JJ.  
Memorandum Opinion by Justice Gabriel

## MEMORANDUM OPINION

Appellant Cory Ray Shelby attempts to file an out-of-time appeal from his felony convictions for assault involving a family or household member and for possession of cocaine. The trial court imposed the sentences on October 10, 2017; however, Shelby did not file his notices of appeal until September 10, 2020.

Our jurisdiction is invoked through a timely notice of appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). If a notice of appeal is not timely filed, we may take no action other than to dismiss the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam). Shelby filed his notices of appeal almost three years after his judgments of conviction were entered; thus, he has failed to invoke this court's jurisdiction. Accordingly, we dismiss Shelby's attempted appeals for want of jurisdiction.<sup>1</sup> *See* Tex. R. App. P. 43.2(f).

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<sup>1</sup>Even if Shelby's notices had been timely filed, we would have no jurisdiction to consider his appeals. Shelby pleaded guilty to both offenses pursuant to a plea-bargain agreement with the State. Shelby does not attempt to complain of a ruling on a pretrial motion, the trial court's certifications reflect that the trial court did not grant Shelby permission to appeal, and no statute expressly authorizes these appeals. *See* Tex. Code Crim. Proc. Ann. art. 44.02; Tex. R. App. P. 25.2(a)(2), (d). Thus, we would have no jurisdiction to consider Shelby's appeals from his guilty pleas even if timely. *See Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

/s/ Lee Gabriel

Lee Gabriel  
Justice

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Tex. R. App. P. 47.2(b)

Delivered: October 15, 2020