



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

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No. 02-22-00086-CR

No. 02-22-00087-CR

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MEGAN LIEBEL, Appellant

V.

THE STATE OF TEXAS

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On Appeal from County Criminal Court No. 4  
Denton County, Texas  
Trial Court Nos. CR-2018-03603-D, CR-2018-03605-D

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Before Sudderth, C.J.; Kerr and Birdwell, JJ.  
Memorandum Opinion by Chief Justice Sudderth

## MEMORANDUM OPINION

Appellant Megan Liebel attempts to appeal from two trial court judgments revoking her community supervision for assault and resisting arrest, respectively, and sentencing her to 180 days concurrent confinement for each offense. But Appellant’s sentencing occurred on October 11, 2021, and although her notice of appeal was due within 30 days,<sup>1</sup> *see* Tex. R. App. P. 26.2(a)(1), she did not file it until April 27, 2022—more than five months too late.

“A timely notice of appeal is necessary to invoke a court of appeals’s jurisdiction.” *Taylor v. State*, 424 S.W.3d 39, 43 (Tex. Crim. App. 2014). If the notice is not timely filed, the “court of appeals does not obtain jurisdiction . . . [and] can take no action other than to dismiss the appeal.” *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). Consequently, we informed Appellant that her notice of appeal appeared untimely, and we expressed our concern that we lacked jurisdiction. We warned that we would dismiss the appeal for want of jurisdiction unless Appellant (or any other party) filed a response showing grounds for continuing it. *See* Tex. R. App. P. 44.3.

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<sup>1</sup>Generally, a defendant’s notice of appeal is due within 30 days after sentencing or within 90 days after sentencing if the defendant timely files a motion for new trial. Tex. R. App. P. 26.2(a); *see Anderson v. State*, 625 S.W.3d 128, 130 (Tex. Crim. App. 2021). Appellant did not file a motion for new trial, so her notice of appeal was due within 30 days.

Appellant responded by explaining that she sought to file a restricted appeal.<sup>2</sup> See Tex. R. App. P. 26.1(c) (requiring a notice of restricted appeal to be filed “within six months after the judgment or order is signed”), 30 (authorizing restricted appeal in certain circumstances). But restricted appeals are not available in criminal cases. See Tex. R. App. P. 30 (entitled “Restricted Appeal to Court of Appeals in Civil Cases”); *Britt v. State*, No. 12-21-00193-CR, 2021 WL 5365579, at \*1 (Tex. App.—Tyler Nov. 17, 2021, pet. ref’d) (per curiam) (mem. op., not designated for publication) (holding appellant could not file restricted appeal in part because “this is a criminal case and Rule 30 pertains to restricted appeals in civil cases”); *Anderson v. State*, No. 05-01-01224-CR, 2001 WL 884537, at \*1 (Tex. App.—Dallas Aug. 8, 2001, no pet.) (mem. op., not designated for publication) (holding notice of appeal untimely because “Rule 30 does not apply to criminal appeals”); see also *Loynachan v. State*, No. 02-15-00135-CR, 2015 WL 3915662, at \*1 n.2 (Tex. App.—Fort Worth June 25, 2015, pet. ref’d) (per curiam) (mem. op., not designated for publication) (noting that “[t]o be eligible for the extended deadlines of a restricted appeal under [R]ule 30, Appellant must have his proceeding classified as a civil case”).

Moreover, even in the civil context, restricted appeals are limited to cases in which the appellant “did not participate—either in person or through counsel—in the

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<sup>2</sup>Appellant’s response also summarized the issues she intends to raise in her restricted appeal, but none of the summarized issues remedy the jurisdictional defect created by Appellant’s untimely notice of appeal.

hearing that resulted in the judgment complained of.” Tex. R. App. P. 30. The trial court’s judgments reflect that Appellant “appeared in person with counsel” at her revocation hearing. *See Britt*, 2021 WL 5365579, at \*2 (noting that, even if restricted appeal were available in appellant’s case, the record demonstrated that he “appeared at the revocation hearing with his counsel”).

Appellant thus cannot file a restricted appeal and is subject to the normal 30 day deadline for her notice of appeal. Tex. R. App. P. 26.2(a)(1). Because she did not meet this deadline, she has failed to invoke this court’s jurisdiction. *See Taylor*, 424 S.W.3d at 43. Accordingly, we dismiss the appeal for want of jurisdiction. *See Tex. R. App. P. 43.2(f); Slaton*, 981 S.W.2d at 210.

/s/ Bonnie Sudderth

Bonnie Sudderth  
Chief Justice

Do Not Publish  
Tex. R. App. P. 47.2(b)

Delivered: May 26, 2022