

NO. 07-11-00491-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
DECEMBER 16, 2011

CECIL R. MCDONALD AKA
CECIL R. TRIMBLE, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 364TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2000-434,614; HONORABLE BRADLEY S. UNDERWOOD, JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Appellant filed an “Out of Time Direct Appeal” and “Amended Motion for Out of Time Direct Appeal” on December 12, 2011. Each of these documents appear to reference trial court cause number 2000-434,614, and relate to issues arising during the trial of that cause. However, the direct appeal of that trial court cause number was resolved by this Court’s opinion and judgment of August 29, 2007. See McDonald v. State, No. 07-06-0276-CR, 2007 Tex.App. LEXIS 7139 (Tex.App.—Amarillo Aug. 29, 2007, pet. ref’d). Following denial of appellant’s petition for discretionary review by the Texas Court of Criminal Appeals, see In re Trimble, No. PD-1435-07, 2008

Tex.Crim.App. Jan. 16, 2008) (decision without published opinion), mandate was issued on May 15, 2008. This Court's plenary power expired 60 days after judgment. TEX. R. APP. P. 19.1(a).

As a result, this Court does not have jurisdiction over appellant's attempted appeal. Because this Court is without plenary power over this appeal, no further action may be taken by this Court in this proceeding and the appeal is hereby dismissed.

Mackey K. Hancock
Justice

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