



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00194-CR

CECIL R. MCDONALD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2000-434,614, Honorable John J. McClendon, III, Presiding

June 4, 2014

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant, Cecil R. McDonald, has filed in this Court his "Notice of Direct Appeal" in which he again attempts to mount a pro se appeal from his conviction for murder in trial court cause number 2000-434,614. In his notice of appeal, he re-urges his contentions that both his trial counsel and appellate counsel were ineffective for a variety of reasons and that the trial court erred in a variety of ways. Having reviewed our own records, we see that a direct appeal from his conviction in trial court cause number 2000-434,614 was disposed of on its merits by this Court by our opinion of

August 29, 2007, in which we affirmed his conviction. See *McDonald v. State*, No. 07-06-00276-CR, 2007 Tex. App. LEXIS 7139 (Tex. App.—Amarillo Aug. 29, 2007, pet. ref'd) (mem. op., not designated for publication).¹ Nonetheless, McDonald has continued to attempt to perfect another appeal from his conviction. We have rejected his several attempts, as has the Texas Court of Criminal Appeals and the United States Supreme Court. We will again dismiss his purported appeal.

To be timely, a notice of appeal must be filed within thirty days after sentence is imposed or suspended in open court or within ninety days after that date if a motion for new trial is timely filed. See TEX. R. APP. P. 26.2(a). Because appellant's attempt to file this subsequent notice of appeal from the trial court's judgment of conviction in trial court cause number 2000-434,614 is well beyond the applicable deadline, we are without jurisdiction to entertain this appeal. See *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (en banc). Because this Court is without jurisdiction to address the merits of this appeal, we have no authority to take any action other than to dismiss the appeal. See *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam); *Olivo*, 918 S.W.2d at 523.

¹ Because McDonald's first notice of appeal, *sub nom*, from his 2001 conviction was untimely, we had to dismiss his original appeal on that basis. See *Trimble v. State*, No. 07-02-00101-CR, 2002 Tex. App. LEXIS 1656 (Tex. App.—Amarillo March 4, 2002, no pet.) (per curiam). The Texas Court of Criminal Appeals granted McDonald an out-of-time appeal. See *Ex parte McDonald*, No. AP-75,435, 2006 Tex. Crim. App. Unpub. LEXIS 723 (Tex. Crim. App. June 14, 2006) (per curiam) (not designated for publication).

Accordingly and consistent with our several previous conclusions on this matter, we conclude that we lack jurisdiction over this cause and dismiss this appeal for want of jurisdiction. See *Slaton*, 981 S.W.2d at 210.

Mackey K. Hancock
Justice

Do not publish.