



**In the
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-23-00136-CR

DONALD RAY SPRINGS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 175th District Court
Bexar County, Texas
Trial Court No. 2019CR12744

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Justice Rambin

MEMORANDUM OPINION

Donald Ray Springs has filed an untimely notice of appeal from the trial court's judgment convicting him of possession of a controlled substance with intent to deliver and sentencing him to twenty-five years' imprisonment.¹ We dismiss the appeal for want of jurisdiction.

Sentence was imposed in this matter on June 1, 2022, and Springs did not file a motion for new trial. As a result, Springs's notice of appeal was due on or before July 1, 2022. *See* TEX. R. APP. P. 26.2(a)(1). Springs did not file his notice of appeal until June 1, 2023, well past the deadline for filing such notice. Consequently, Springs's attempt to appeal his conviction in this matter was untimely. The Texas Court of Criminal Appeals has expressly held that, without a timely filed notice of appeal, we cannot exercise jurisdiction over an appeal. *See Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996); *see also Slaton v. State*, 981 S.W.2d 208, 209 n.3 (Tex. Crim. App. 1998) (per curiam).

By letter dated April 17, 2023, we notified Springs that his notice of appeal appeared to be untimely and that the appeal was subject to dismissal for want of jurisdiction. We gave Springs ten days to respond to our letter and to demonstrate how we have jurisdiction over the appeal notwithstanding the noted defect. Although Springs did respond to our letter, he did not demonstrate how we have jurisdiction over the appeal.

¹Originally appealed to the Fourth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001. We find no difference between the precedent of the Fourth Court of Appeals and that of this Court on the relevant issues in this case. *See* TEX. R. APP. P. 41.3.

Because Springs did not timely file his notice of appeal, we dismiss the appeal for want of jurisdiction.

Jeff Rambin
Justice

Date Submitted: August 4, 2023
Date Decided: August 7, 2023

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