



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-21-00005-CR**

**No. 10-21-00006-CR**

**No. 10-21-00007-CR**

**DARNELL ESTELLE,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

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**From the 54th District Court  
McLennan County, Texas  
Trial Court Nos. 2018-1678-C2, 2018-1785-C2,  
and 2019-125-C2**

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**MEMORANDUM OPINION**

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Darnell Estelle appeals his plea of guilty to three charges of theft of less than \$2,500, with two or more priors. Estelle's sentences were imposed on October 23, 2019. Unless timely motions for new trial were filed, Estelle's notices of appeal were due on or before November 22, 2019. TEX. R. APP. P. 26.2(a). They were not filed until January 6, 2021, over a year late. Estelle filed a motion for new trial for each offense in the trial court

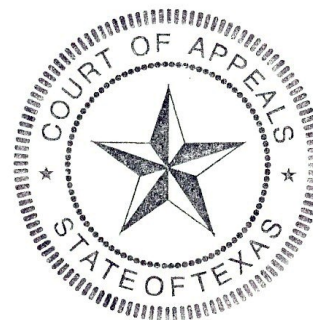
also on January 6, 2021, but they were untimely filed. *See* TEX. R. APP. P. 21.4(a) (“The defendant may file motion for new trial before, but no later than 30 days after, the date when the trial court imposes or suspends sentence in open court.”). Thus, Estelle's notices of appeal are untimely. *See id.* 26.2(a)(2).

We have no jurisdiction of an untimely appeal, and these appeals must be dismissed. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996) (no appellate jurisdiction where notice of appeal is untimely). Accordingly, these appeals are dismissed.

A motion for rehearing of these dismissals may be filed within 15 days after the judgments of this Court are rendered. *See* TEX. R. APP. P. 49.1. If Estelle wishes to have the decisions of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court's judgments were rendered or the day the last timely motion for rehearing was overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Neill, and  
Justice Scoggins<sup>1</sup>  
Appeals dismissed  
Opinion delivered and filed January 13, 2021  
Do not publish  
[CR25]



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<sup>1</sup> The Honorable Al Scoggins, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.