

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-16-00335-CR  
NO. 03-16-00336-CR  
NO. 03-16-00337-CR**

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**Clinton Brunson, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT  
NOS. 71722, 72044, 74733, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Clinton Brunson was charged with the offense of continuous-family violence. *See* Tex. Penal Code § 25.11 (providing that person commits offense if “during a period that is 12 months or less in duration, the person two or more times engages in conduct that constitutes an offense under Section 22.01(a)(1) against another person or persons whose relationship to or association with the defendant is described” by Family Code), (e) (stating that offense is third-degree felony); *see also id.* § 22.01(a)(1) (explaining that person commits assault if he “intentionally, knowingly, or recklessly causes bodily injury to another, including the person’s spouse”). Brunson entered into a plea-bargain agreement with the State in which the State agreed to recommend that Brunson’s adjudication of guilt be deferred and that Brunson be placed on community supervision for ten years in exchange for Brunson entering a guilty plea. In accordance with that agreement, the district court deferred Brunson’s adjudication and placed him on community supervision.

In addition to the above offense, Brunson was also charged with possession of a controlled substance in an amount of less than one gram. *See* Tex. Health & Safety Code § 481.115(a)-(b) (prohibiting individual from “knowingly or intentionally possess[ing] a controlled substance listed in Penalty Group 1” and specifying that offense is state-jail felony if amount possessed is “less than one gram”). Under the terms of another plea-bargain agreement, Brunson agreed to plead guilty to the offense in exchange for the State recommending that his adjudication of guilt be deferred and that he be placed on community supervision for four years. In accordance with that agreement, the district court deferred Brunson’s adjudication and placed him on community supervision.

Several months after the district court issued its orders deferring adjudication, Brunson was charged with a subsequent offense for possession of a controlled substance. *See id.* In light of that charge and in light of several other alleged violations of Brunson’s community supervision, the State moved to revoke Brunson’s community supervision for the two offenses listed above and to adjudicate Brunson’s guilt. During a hearing convened to address the State’s motions to revoke and to consider Brunson’s plea regarding the later possession charge, Brunson pleaded true to the State’s revocation allegations and entered a plea of guilty to the subsequent offense. At the end of the proceeding, the district court accepted Brunson’s guilty plea to the later possession charge, revoked his community supervision for the two prior offenses, and adjudicated his guilt for those offenses. In addition, the district court reduced the potential punishment for the later possession charge from a state-jail felony to that of a class A misdemeanor, *see* Tex. Penal Code § 12.44, sentenced him to one year in county jail for that offense, *see id.* § 12.21 (describing

potential punishments for class A misdemeanor), sentenced him to twenty months in state jail for the prior possession charge, *see id.* § 12.35 (listing punishment range for state-jail felony), and sentenced him to ten years' imprisonment for the continuous-violence charge, *see id.* § 12.34 (setting out punishment range for third-degree felony).

The district court pronounced its judgments on April 1, 2016, and Brunson did not file a motion for new trial. Brunson's notice of appeal in each cause was filed on May 3, 2016.<sup>1</sup> In a criminal case, unless a motion for new trial is filed, the notice of appeal must be filed "within 30 days after the day sentence is imposed or suspended in open court, or after the day the trial court enters an appealable order." *See* Tex. R. App. P. 26.2(a)(1). Although appellate courts may extend the time to file a notice of appeal, they may only do so if the party files a notice of appeal along with a motion for an extension of time to file a notice of appeal "within 15 days after the deadline for filing the notice of appeal." *See id.* R. 26.3. Brunson did not file a motion for extension of time. Accordingly, Brunson's notices of appeal are not timely. *See Fowler v. State*, 16 S.W.3d 426, 427-28 (Tex. App.—Waco 2000, pet. ref'd) (determining that notice filed on 31st day is untimely). Absent a timely filed notice of appeal, this Court lacks jurisdiction to dispose of an appeal in any manner other than by dismissing it for want of jurisdiction. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

For these reasons, we dismiss the appeals for want of jurisdiction.

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<sup>1</sup> On June 21, 2016, Brunson's appointed counsel filed a brief in each cause concluding that the appeals are frivolous and without merit and noting that the appeals were not timely. *See Anders v. California*, 386 U.S. 738, 744 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009).

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David Puryear, Justice

Before Justice Justices Puryear, Goodwin, and Bourland

Dismissed for Want of Jurisdiction

Filed: July 8, 2016

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