

TEXAS COURT OF APPEALS, THIRTEENTH DISTRICT, CORPUS CHRISTI–
EDINBURG

Kody Noel Gonser a/k/a Kody Gosner v. The State of Texas

No. 13-26-00240-CR (Tex. App.—Corpus Christi–Edinburg May 14, 2026) (mem. op.) · No. 13-26-00240-CR ·
Decided May 14, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed the appeal for want of jurisdiction because the appellant’s notice of appeal was untimely. The opinion notes that the appellant may seek an out-of-time appeal through a post-conviction writ of habeas corpus filed in the Texas Court of Criminal Appeals.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice West; Justice Cron
JURISDICTION	Thirteenth Court of Appeals of Texas, Corpus Christi–Edinburg
DECIDED	May 14, 2026
DOCKET	13-26-00240-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a criminal judgment of conviction; the court dismissed the appeal for want of jurisdiction because the notice of appeal was untimely.
STANDARD OF REVIEW	The court determined its appellate jurisdiction based on the timeliness of the notice of appeal.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Tex. R. App. P. 47.2(b).
PARTIES	Kody Noel Gonser a/k/a Kody Gosner v. The State of Texas

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- criminal procedure
- post-conviction relief

PRACTICE AREAS

- criminal appellate procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over a criminal appeal when the notice of appeal was filed untimely.
2. Whether the court could provide an out-of-time appeal or otherwise address the merits despite the untimely notice.

HOLDINGS

1. A timely filed notice of appeal is required to invoke the court of appeals' jurisdiction in a criminal case; when the notice is untimely, the court lacks jurisdiction to address the merits.
2. The court of appeals could not grant or otherwise provide an out-of-time appeal through this proceeding; any such remedy must be pursued through a post-conviction writ of habeas corpus returnable to the Texas Court of Criminal Appeals.

KEY QUOTATIONS

“Absent a timely filed notice of appeal, a court of appeals does not have jurisdiction to address the merits of the appeal and can take no action other than to dismiss the appeal for want of jurisdiction.”

“The appeal hereby is dismissed for want of jurisdiction.”

FACTUAL BACKGROUND

The trial court entered a judgment of conviction on October 23, 2025. Appellant, proceeding pro se, sent correspondence to the trial court on March 25, 2026, which was construed as a notice of appeal, well outside the applicable deadline.

PROCEDURAL HISTORY

The 103rd District Court of Cameron County entered a judgment of conviction on October 23, 2025, in cause number 2025DCR0189-D. Appellant filed correspondence construed as a notice of appeal on March 25, 2026. After the court notified counsel that the appeal appeared untimely and allowed ten days to cure the defect, the defect was not cured, and the court dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Olivo v. State, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996)
- Slaton v. State, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998)
- Ex parte Garcia, 988 S.W.2d 240 (Tex. Crim. App. 1999)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/texas-court-of-appeals-thirteenth-district-corpus-christi-ed/2026/kody-noel-gonser-a-k-a-kody-gosner-v-the-state-of-texas-13q4aora>