

TEXAS COURT OF APPEALS, TENTH DISTRICT AT WACO

Welton Wilkerson v. The State of Texas

No. 10-26-00048-CR · No. 10-26-00048-CR · Decided February 19, 2026

SUMMARY

The Tenth Court of Appeals of Texas dismissed Welton Wilkerson’s appeal from a conviction for possession of a controlled substance for want of jurisdiction. The court held that the notice of appeal was untimely and noted that the trial court’s certification also indicated that the plea-bargain case afforded no right of appeal.

CASE DETAILS

COURT	Texas Court of Appeals, Tenth District at Waco
WRITING FOR THE COURT	Matt Johnson, Chief Justice; Justice Harris; Senior Justice Rex Davis
JURISDICTION	Tenth Court of Appeals of Texas
DECIDED	February 19, 2026
DOCKET	10-26-00048-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Wilkerson appealed a conviction for possession of a controlled substance. The State moved to dismiss for want of appellate jurisdiction because the notice of appeal was untimely.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked do not publish.
PARTIES	Welton Wilkerson v. The State of Texas

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- criminal procedure
- plea bargaining

PRACTICE AREAS

- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

- Whether the court of appeals had jurisdiction over an appeal filed nearly six years after sentence was imposed.
- Whether the State's motion to dismiss for want of jurisdiction should be granted.

HOLDINGS

1. A notice of appeal in this criminal proceeding had to be filed within 30 days after sentence was imposed or suspended in open court. Because Wilkerson filed his notice of appeal outside that period, the court lacked jurisdiction and was required to dismiss the appeal.

KEY QUOTATIONS

“The notice of appeal was not timely, and we must dismiss the appeal for lack of jurisdiction.” (Page 1)

FACTUAL BACKGROUND

Wilkerson was convicted of possession of a controlled substance and received a sentence imposed on March 2, 2020. The trial court signed the judgment on March 16, 2020, and Wilkerson was discharged from community supervision on August 13, 2025. He filed his notice of appeal on February 5, 2026.

PROCEDURAL HISTORY

The 272nd District Court of Brazos County entered judgment on March 16, 2020, after imposing sentence on March 2, 2020. Wilkerson completed community supervision and was discharged on August 13, 2025, but filed his notice of appeal on February 5, 2026, apparently seeking an out-of-time appeal. The court of appeals granted the State's motion and dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Ex parte Castillo, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012)

OPINION

Welton Wilkerson v. the State of Texas

PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-26-00048-CR Welton Wilkerson, Appellant v. The State of Texas, Appellee On appeal from the 272nd District Court of Brazos County, Texas Judge Steve Smith, presiding Trial Court Cause No. 17-00929-272-CRF CHIEF JUSTICE JOHNSON delivered the opinion of the Court.

MEMORANDUM OPINION

Welton Wilkerson appeals from a conviction for possession of a controlled substance for which his sentence was imposed on March 2, 2020 and the judgment was signed by the trial court on March 16, 2020. Wilkerson completed his term of community supervision and was discharged from community supervision on August 13, 2025. Appellant’s notice of appeal was filed in this Court on February 5, 2026. In his notice of appeal, Wilkerson appears to be seeking an out-of-time appeal.

The State has filed a motion to dismiss this appeal for want of jurisdiction, arguing that there has been no order entered during the time frame when this Court would have jurisdiction of this appeal. As applicable to this proceeding, the notice of appeal must have been filed within 30 days after the sentence was imposed or suspended in open court. TEX. R. APP. P. 26.2(a)(1). The notice of appeal was not timely, and we must dismiss the appeal for lack of jurisdiction. See *Ex parte Castillo*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). The State's motion to dismiss is granted. Accordingly, this appeal is dismissed for want of jurisdiction. 1 See TEX. R. APP. P. 26.2(a)(1).

MATT JOHNSON

Chief Justice OPINION DELIVERED and FILED: February 19, 2026 Before Chief Justice Johnson, Justice Harris, and 1 We also note that the certification of the defendant's right of appeal signed by the trial court, Wilkerson, and Wilkerson's attorney at that time reflects that Wilkerson's case was a plea-bargain case and that Wilkerson had no right of appeal, which would require dismissal as well. See TEX. R. APP. P. 25.2(d). *Wilkerson v. State* Page 2 Senior Justice Davis 2 Appeal dismissed Do not publish CR25 2 The Honorable Rex Davis, Senior Justice (Retired) of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Texas. *Wilkerson v. State* Page 3