

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.

OPINION

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.
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