

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| PRECEDENTIAL VALUE    | Nonprecedential memorandum opinion; marked do not publish.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

1. Whether the court of appeals had jurisdiction over an appeal filed nearly six years after sentence was imposed.
2. 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)