

COURT OF APPEALS OF THE TENTH APPELLATE DISTRICT OF TEXAS

Cody Ray Rockey v. The State of Texas

No. 10-26-00094-CR · No. No. 10-26-00094-CR · Decided March 19, 2026

SUMMARY

The Texas Tenth Court of Appeals dismissed Cody Ray Rockey's criminal appeal for want of jurisdiction because his notice of appeal was filed outside the applicable 90-day deadline. The court applied Texas Rule of Appellate Procedure 26.2(a)(2), which governs appeals when a motion for new trial is filed.

CASE DETAILS

COURT	Court of Appeals of the Tenth Appellate District of Texas
WRITING FOR THE COURT	Matt Johnson, Chief Justice; Chief Justice Johnson; Justice Smith; Justice Harris
JURISDICTION	Texas Court of Appeals, Tenth Appellate District
DECIDED	March 19, 2026
DOCKET	No. 10-26-00094-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from a criminal judgment entered by the County Court at Law of Navarro County. The court of appeals dismissed the appeal for want of jurisdiction because the notice of appeal was untimely.
PRECEDENTIAL VALUE	Nonprecedential; opinion marked Do not publish
PARTIES	Cody Ray Rockey v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the notice of appeal was timely under Texas Rule of Appellate Procedure 26.2(a)(2).

2. Whether the court of appeals had jurisdiction over the appeal.

HOLDINGS

1. When a motion for new trial is filed in a criminal case, the notice of appeal must be filed within 90 days after sentence is imposed or suspended in open court. Appellant's notice of appeal, filed on March 2, 2026, was untimely.
2. An untimely notice of appeal deprives the court of jurisdiction, requiring dismissal for want of jurisdiction.

KEY QUOTATIONS

“Accordingly, this appeal is dismissed for want of jurisdiction.” (page 1)

FACTUAL BACKGROUND

The trial court imposed Appellant's sentences on November 19, 2025, and signed the judgment that same day. Appellant's trial counsel filed a motion for new trial on December 4, 2025, followed by a notice of appeal on March 2, 2026. Because a motion for new trial had been filed, the applicable deadline for the notice of appeal was 90 days after sentencing.

PROCEDURAL HISTORY

Sentences were imposed and the judgment was signed on November 19, 2025. Appellant's trial counsel filed a motion for new trial on December 4, 2025, and a notice of appeal on March 2, 2026. Applying the 90-day deadline in Texas Rule of Appellate Procedure 26.2(a)(2), the court held the notice untimely and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-26-00094-CR Cody Ray Rockey, Appellant v. The State of Texas, Appellee On appeal from the County Court at Law of Navarro County, Texas Judge Ernie Armstrong, presiding Trial Court Cause No. C42965-CR CHIEF JUSTICE JOHNSON delivered the opinion of the Court. MEMORANDUM OPINION Appellant appeals from a judgment for which his sentences were imposed on November 19, 2025 and signed by the trial court on that same date.

Trial counsel for Appellant filed a motion for new trial on December 4, 2025. Trial counsel for Appellant filed a notice of appeal in the trial court on March 2, 2026, which was not received by this Court until March 12, 2026.

As applicable to this proceeding, the notice of appeal must have been filed within 90 days after the sentence is imposed or suspended in open court because his counsel filed a motion for new trial. TEX. R. APP. P. 26.2(a)(2).

The notice of appeal was not timely. Accordingly, this appeal is dismissed for want of jurisdiction. See TEX. R. APP. P. 26.2(a)(2). MATT JOHNSON Chief Justice OPINION DELIVERED and FILED: March 19, 2026 Before Chief Justice Johnson, Justice Smith, and Justice Harris Appeal dismissed Do not publish CR25 Rockey v. State Page 2