

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Zachery Rene Lamas v. the State of Texas

No. 07-26-00006-CR · No. 07-26-00006-CR · Decided February 6, 2026

SUMMARY

The Seventh District Court of Appeals of Texas dismissed Zachery Rene Lamas’s appeal from his conviction for sexual assault of a child because his notice of appeal was filed nearly four years after the deadline. The court held that the untimely notice deprived it of jurisdiction and noted that Lamas might seek an out-of-time appeal through an application for habeas corpus.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per Curiam; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	February 6, 2026
DOCKET	07-26-00006-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant sought review of his conviction for sexual assault of a child and seventeen-year sentence, but filed his notice of appeal nearly four years after sentencing.
STANDARD OF REVIEW	The court applied the jurisdictional requirement governing the timeliness of a criminal notice of appeal.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked do not publish.
PARTIES	Zachery Rene Lamas v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- habeas corpus
- post-conviction relief

PRACTICE AREAS

- Texas criminal appellate procedure
- criminal procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal filed after the deadline for a criminal notice of appeal.
2. Whether the appeal should be dismissed when the appellant failed to demonstrate grounds for excusing the untimely filing.

HOLDINGS

1. The timely filing of a written notice of appeal is a jurisdictional prerequisite, and because Lamas filed his notice of appeal after the deadline, the court lacked jurisdiction and was required to dismiss the appeal.

KEY QUOTATIONS

“Because Appellant’s untimely notice of appeal prevents this Court from acquiring jurisdiction over the appeal, we dismiss the appeal for want of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Lamas was convicted of sexual assault of a child and sentenced to seventeen years of confinement. The trial court imposed sentence on January 27, 2022, and Lamas did not file a motion for new trial. He filed his notice of appeal on January 2, 2026, long after the February 28, 2022 deadline.

PROCEDURAL HISTORY

The 242nd District Court of Hale County sentenced Lamas on January 27, 2022. Because no motion for new trial was filed, his notice of appeal was due by February 28, 2022. Lamas filed his notice of appeal on January 2, 2026, and did not respond to the court's order to show how it possessed jurisdiction over the untimely appeal.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Zachery Rene Lamas v. the State of Texas

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-26-00006-CR

ZACHERY RENE LAMAS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 242nd District Court Hale County, Texas Trial Court No. B21040-1903,
Honorable Kregg Hukill, Presiding February 6, 2026

MEMORANDUM OPINION

Before PARKER, C.J., and DOSS and YARBROUGH, JJ. Appellant, Zachery Rene Lamas, proceeding pro se, appeals his conviction for sexual assault of a child¹ and sentence to seventeen years of confinement. We dismiss the untimely appeal for want of jurisdiction. The trial court sentenced Appellant on January 27, 2022. Because Appellant did not file a motion for new trial, his notice of appeal was due within thirty days after sentence ¹ See TEX. PENAL CODE § 22.011(a)(2). was imposed, by February 28, 2022. See TEX. R. APP. P. 21.4(a), 26.2(a)(1). Appellant filed a notice of appeal with the Clerk of this Court on January 2, 2026. The timely filing of a written notice of appeal is a jurisdictional prerequisite to hearing an appeal. *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012). If a notice of appeal is not timely filed, an appellate court has no option but to dismiss the appeal for want of jurisdiction. *Id.* By letter of January 7, 2026, we notified Appellant of the consequences of his late notice of appeal and directed him to show how the Court has jurisdiction over the appeal by January 20, 2026. To date, Appellant has not filed a response demonstrating grounds for continuing the appeal. Because Appellant's untimely notice of appeal prevents this Court from acquiring jurisdiction over the appeal, we dismiss the appeal for want of jurisdiction.² Per Curiam Do not publish. ² Appellant may be entitled to relief by filing an application for writ of habeas corpus returnable to the Court of Criminal Appeals for consideration of an out-of-time appeal. See TEX. CODE CRIM. PROC. art. 11.07. ²