

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)