

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

Gerald Osborne Dorris A/K/A Gerald Dorris v. The State of Texas

Dorris v. State · No. 13-25-00623-CR; 13-25-00647-CR · Decided December 22, 2025

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed two criminal appeals for lack of jurisdiction because the appellant filed his notices of appeal after the applicable deadline. The court explained that the notices were due by November 3, 2025, but were not filed until November 20, 2025, and noted that only the Texas Court of Criminal Appeals may grant out-of-time appeals for the felony convictions.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Jaime Tijerina, Chief Justice; Peña, Justice; West, Justice
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	December 22, 2025
DOCKET	13-25-00623-CR; 13-25-00647-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed untimely pro se notices of appeal from felony convictions in two Cameron County district-court causes. The court of appeals considered the appeals together and dismissed both for lack of jurisdiction.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction under the Texas Rules of Appellate Procedure governing the deadline for filing a notice of appeal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gerald Osborne Dorris a/k/a Gerald Dorris v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal appellate procedure
- appellate jurisdiction
- criminal procedure

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over appeals filed after the applicable deadline for filing a notice of appeal.
2. Whether the court could reach the merits or take any action other than dismissing the appeals for want of jurisdiction.

HOLDINGS

1. Because appellant did not file motions for new trial, his notices of appeal were due within thirty days after the sentences were imposed. Notices filed on November 20, 2025, after the November 3, 2025 deadline, were untimely and did not invoke the court of appeals' jurisdiction.
2. In the absence of a timely notice of appeal, the court of appeals lacked jurisdiction to address the merits and could take no action other than dismissing the appeals for want of jurisdiction.

KEY QUOTATIONS

“In the absence of a timely filed notice of appeal, a court of appeals does not have jurisdiction to address the merits of the appeal and can take no action other than to dismiss the appeal for want of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Appellant was convicted in one case of felony driving while intoxicated and in the other case of felony assault on a peace officer or judge and felony driving while intoxicated. The trial court imposed sentences on October 2, 2025. Appellant filed no motions for new trial and did not file notices of appeal until November 20, 2025.

PROCEDURAL HISTORY

The 138th District Court of Cameron County imposed sentences on October 2, 2025, following appellant's convictions for driving while intoxicated and assault on a peace officer/judge. Appellant did not file motions for new trial and filed notices of appeal on November 20, 2025, after the thirty-day deadline. The appellate clerk notified appellant's counsel of the defect and allowed ten days to correct it, but received no response.

DISPOSITION

dismissed

CASES CITED

- Smith v. State, 559 S.W.3d 527, 531 (Tex. Crim. App. 2018)
- Castillo v. State, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012)
- Olivo v. State, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996)
- Slaton v. State, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998)
- Ex parte Matthews, 452 S.W.3d 8, 11 (Tex. App.—San Antonio 2014, no pet.)
- Ater v. Eighth Ct. of Apps., 802 S.W.2d 241, 243 (Tex. Crim. App. 1991)

OPINION

Gerald Osborne Dorris A/K/A Gerald Dorris v. the State of Texas

PER CURIAM.

NUMBERS 13-25-00623-CR, 13-25-00647-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

GERALD OSBORNE DORRIS A/K/A

GERALD DORRIS, Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 138TH DISTRICT COURT

OF CAMERON COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Peña and West Memorandum Opinion by Chief Justice Tijerina Appellant Gerald Osborne Dorris a/k/a Gerald Dorris filed an untimely pro se notice of appeal from trial court cause number 2023-DCR-02106, docketed in our appellate cause number 13-25-00623-CR, and trial court cause number 2024-DCR-03187, docketed in our appellate cause number 13-25-00647-CR. We address both causes in a single memorandum opinion in the interests of judicial efficiency, and we dismiss both appeals for lack of jurisdiction.

I. BACKGROUND

In trial court cause number 2023-DCR-02106, appellant was convicted of the third- degree felony offense of driving while intoxicated, and in trial court cause number 2024- DCR-03187, appellant was convicted of the second-degree felony offense of assault on a peace officer/judge and the third-degree felony offense of driving while intoxicated. See TEX. PENAL CODE §§ 22.01(b-2), 49.09(b). The trial court imposed sentences on October 2, 2025. Appellant did not file a motion for new trial and did not file his notice of appeal until November 20, 2025. On December 5, 2025, the Clerk of the Court notified appellant’s counsel that the appeal was untimely, provided ten days to correct the defect, if possible, and advised that the appeal would be dismissed if the defect were not cured. The Court did not receive a response to this notice.

II. TIMELINESS OF NOTICE OF APPEAL

A timely notice of appeal is necessary to invoke this Court’s jurisdiction. *Smith v. State*, 559 S.W.3d 527, 531 (Tex. Crim. App. 2018); *Castillo v. State*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012); *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). In a criminal case, a defendant’s notice of appeal is due within thirty days after the day sentence is imposed in open court, or ninety days after the sentence is imposed in open court if the defendant timely files a motion for new trial. See TEX. R. APP. P. 26.2(a)(1),(2); *Smith*, 559 S.W.3d at 531. An appellate court may extend this deadline “if within 15 days after the deadline for filing a notice of appeal,” the defendant “files in the trial court the 2 notice of appeal” and “files in the appellate court a motion” for extension of time.” TEX. R. APP. P. 26.3; see *Olivo*, 918 S.W.2d at 523. In the

absence of a timely filed notice of appeal, a court of appeals does not have jurisdiction to address the merits of the appeal and can take no action other than to dismiss the appeal for want of jurisdiction. *Castillo*, 369 S.W.3d at 198; *Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998); *Ex parte Matthews*, 452 S.W.3d 8, 11 (Tex. App.—San Antonio 2014, no pet.). Appellant's sentences were imposed on October 2, 2025. Appellant did not file a motion for new trial. Accordingly, appellant's notice of appeal was due within thirty days after the day that the sentences were imposed in open court, or by November 3, 2025. See TEX. R. APP. P. 4.1(a), 26.2(a)(1),(2); *Smith*, 559 S.W.3d at 531. Nevertheless, appellant did not file his notice of appeal until November 20, 2025.

III. CONCLUSION

Appellant's notice of appeal was not timely filed. Therefore, we lack jurisdiction to address the merits of these appeals and can take no action other than to dismiss the appeals for want of jurisdiction. See *Castillo*, 369 S.W.3d at 198; *Slaton*, 981 S.W.2d at 210; *Ex parte Matthews*, 452 S.W.3d at 11. We note that only the Texas Court of Criminal Appeals has jurisdiction to grant appellant out-of-time appeals for his felony convictions. See TEX. CODE CRIM. PROC. art. 11.07; *Ater v. Eighth Ct. of Apps.*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). Accordingly, we dismiss the appeals for want of jurisdiction.

JAIME TIJERINA

Chief Justice Do not publish. TEX. R. APP. P. 47.2 (b). Delivered and filed on the 22nd day of December, 2025. 3