

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PRECEDENTIAL VALUE	nonprecedential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)

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