

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT

Scott Crow v. The State of Texas

No. 11-26-00053-CR · No. No. 11-26-00053-CR · Decided April 9, 2026

SUMMARY

The Eleventh Court of Appeals of Texas dismissed Scott Crow’s second appeal from a 2015 felony DWI conviction for want of jurisdiction. The court held that the 2026 notice of appeal was untimely and that the plea-bargain certification reflected no right of appeal and a waiver of appeal.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District
WRITING FOR THE COURT	W. Bruce Williams; Bailey, Chief Justice; W. Bruce Williams, Justice; Brian Quinn, Senior Chief Justice (Retired), sitting by assignment
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	April 9, 2026
DOCKET	No. 11-26-00053-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed a second notice of appeal from a 2015 felony DWI judgment nearly ten years after sentencing. The court dismissed the appeal for want of jurisdiction because the notice of appeal was untimely and the plea-bargain certification showed no right of appeal and a waiver of appeal.
STANDARD OF REVIEW	Not expressly stated; the court treated timeliness and the existence of a right to appeal as jurisdictional matters governed by the Texas Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Scott Crow v. The State of Texas

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the second notice of appeal was timely under Texas Rule of Appellate Procedure 26.2(a).
2. Whether the appeal was barred under Texas Rule of Appellate Procedure 25.2(d) because the trial court's certification showed no right of appeal in a plea-bargain case and reflected a waiver of appeal.
3. Whether the court had discretion to permit the appeal or extend the time for filing the notice of appeal.

HOLDINGS

1. The appeal had to be dismissed for want of jurisdiction because Crow filed his notice of appeal nearly ten years after sentence was imposed, well outside the thirty-day deadline, and no timely motion for new trial extended the deadline to ninety days.
2. Even if Crow's appeal had been timely, it would have been prohibited because the trial court's certification did not show that he had a right of appeal and reflected that he waived that right.
3. The court had no discretion to allow the appeal to proceed, and Crow's motion for an extension of time to file his final appeal was moot.

KEY QUOTATIONS

“For the foregoing reasons, we have no discretion in this matter, and we must dismiss this appeal for want of jurisdiction.” (at 2)

“Pursuant to Rule 26.2(a) of the Texas Rules of Appellate Procedure, a notice of appeal must be filed either (1) within thirty days after the date that sentence is imposed in open court, or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed in open court.” (at 2)

FACTUAL BACKGROUND

On June 10, 2015, Scott Crow pleaded guilty to third-degree felony driving while intoxicated, enhanced by a prior felony conviction. Under a negotiated plea bargain, the trial court sentenced him to twenty years' imprisonment. The trial court's certification stated that the case was a plea-bargain case, Crow had no right of appeal, and he waived any right of appeal. Crow filed a second notice of appeal nearly ten years after sentencing.

PROCEDURAL HISTORY

Crow pleaded guilty to felony driving while intoxicated in the 244th District Court of Ector County, Texas, and received a twenty-year sentence pursuant to a negotiated plea bargain. His first appeal was dismissed in 2016 as untimely and prohibited by Texas Rule of Appellate Procedure 25.2(d). After filing a second notice of appeal on February 18, 2026, the Eleventh Court of Appeals notified him that the appeal appeared untimely and requested grounds for continuing it. Crow showed no grounds for proceeding, and the court dismissed the appeal and dismissed his motion for an extension of time as moot.

DISPOSITION

dismissed

CASES CITED

- Crow v. State, No. 11-15-00328-CR, 2016 WL 208129, at *1 (Tex. App.—Eastland Jan. 14, 2016, no pet.) (per curiam) (mem. op., not designated for publication)
- Chavez v. State, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006)
- Dears v. State, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005)
- Hernandez v. State, 726 S.W.3d 285, 289 (Tex. Crim. App. 2025)
- Ater v. Eighth Ct. of Appeals, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding)
- Ex parte Crow, WR-71,693-17 (Tex. Crim. App. Jan. 29, 2026)
- Ex parte Crow, WR-71,693-12 (Tex. Crim. App. Dec. 11, 2019)
- Ex parte Crow, WR-71,693-19 (Tex. Crim. App. Mar. 5, 2026)

OPINION

PER CURIAM.

Opinion filed April 9, 2026 In The Eleventh Court of Appeals _____ No. 11-26-00053-CR _____ SCOTT CROW, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 244th District Court Ector County, Texas Trial Court Cause No. C-45,015 MEMORANDUM OPINION On June 10, 2015, Appellant, Scott Crow, pleaded guilty to the offense of driving while intoxicated, a third-degree felony, enhanced with a prior felony conviction.

See TEX. PENAL CODE ANN. §§ 12.42(a), 49.04(a), 49.09(b)(2) (West Supp. 2025). Pursuant to a negotiated plea bargain agreement between Appellant and the State, the trial court sentenced Appellant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for twenty years.

On December 21, 2015, Appellant filed a pro se notice of appeal from the trial court’s judgment. Crow v. State, No. 11-15-00328-CR, 2016 WL 208129, at *1 (Tex. App.—Eastland Jan. 14, 2016, no pet.) (per curiam) (mem. op., not designated for publication).

We dismissed the appeal for want of jurisdiction because Appellant’s notice of appeal was untimely filed and the appeal was prohibited by Rule 25.2(d). *Id.*; see TEX. R. APP. P. 25.2(d). On February 18, 2026, Appellant filed a second notice of appeal from the trial court’s judgment.

For the same reasons, we dismiss this appeal. When this appeal was docketed, we notified Appellant by letter that his notice of appeal appeared to be untimely filed and that the appeal was subject to dismissal. See TEX. R. APP. P. 26.2(a).

In our letter, we requested that Appellant respond and show grounds to continue the appeal. In his responses, Appellant has not shown any grounds upon which this appeal may proceed. Pursuant to

Rule 26.2(a) of the Texas Rules of Appellate Procedure, a notice of appeal must be filed either (1) within thirty days after the date that sentence is imposed in open court, or (2) if the defendant timely files a motion for new trial, within ninety days after the date that sentence is imposed in open court.

Id. Appellant attempts to appeal the same conviction that he attempted to appeal in 2015, and he filed the instant pro se notice of appeal nearly ten years after his sentence was imposed. Moreover, as we stated in our previous opinion, the trial court's certification reflects that (1) this is a plea bargain case, (2) Appellant has no right of appeal, and (3) he waived his right of appeal.

Crow, 2016 WL 208129, at *1. The trial court's certification was signed by Appellant, Appellant's trial counsel, and the presiding judge. Thus, even if Appellant had timely perfected an appeal from the trial court's judgment, his appeal would have been prohibited by Rule 25.2(d), which provides that an appellate court must dismiss an appeal without further action when there is no certification showing that the defendant has the right of appeal.

TEX. R. APP. P. 25.2(d); Chavez v. State, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006); see Dears v. State, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005). For the foregoing reasons, we have no discretion in this matter, and we must dismiss this appeal for want of jurisdiction. 1 TEX. R. APP. P. 25.2(d); Hernandez v. State, 726 S.W.3d 285, 289 (Tex. Crim. App.

2025); Chavez, 183 S.W.3d at 680. This appeal is dismissed. Appellant's motion "for 'Extension of Time to file [his] final Appeal'" is dismissed as moot.² W. BRUCE WILLIAMS JUSTICE April 9, 2026 Do not publish. See TEX. R. APP. P. 47.2(b). Panel consists of: Bailey, C.J., Williams, J., and Quinn, S.C.J. 3 Trotter, J., not participating. 1 The Texas Court of Criminal Appeals has exclusive jurisdiction in post-conviction felony proceedings.

Ater v. Eighth Ct. of Appeals, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding). We note that Appellant has filed numerous post-conviction writs of habeas corpus that have been denied or dismissed by the Court of Criminal Appeals. See, e.g., Ex parte Crow, WR-71,693-17 (Tex. Crim. App. Jan. 29, 2026) (dismissed as subsequent application under Article 11.07, Section 4 of the Texas Code of Criminal Procedure); Ex Parte Crow, WR-71,693-12 (Tex.

Crim. App. Dec. 11, 2019) (denied); see also Ex parte Crow, WR-71,693-19 (Tex. Crim. App. Mar. 5, 2026) (denying motion for leave to file original application for writ of habeas corpus). We note that the clerk of this court received Appellant's "Direct Appeal from June 10, 2015 Plea" ² on March 30. ³ Brian Quinn, Senior Chief Justice (Retired), Court of Appeals, 7th District of Texas at Amarillo, sitting by assignment.

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