

COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Oliver W. Hart, III v. The State of Texas

Hart v. State · No. No. 06-25-00196-CR · Decided February 26, 2026

SUMMARY

The Sixth Court of Appeals of Texas dismissed Oliver W. Hart, III’s appeal for want of jurisdiction. The court held that the trial court’s dismissal of Hart’s motion concerning parole and the Interstate Compact was not an order from which the Texas Legislature authorized an appeal.

CASE DETAILS

COURT	Court of Appeals for the Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Scott E. Stevens, Chief Justice; Josh R. van Cleef, Justice; Randy R. Rambin, Justice
JURISDICTION	Court of Appeals for the Sixth Appellate District of Texas at Texarkana
DECIDED	February 26, 2026
DOCKET	No. 06-25-00196-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Hart appealed the trial court's dismissal for lack of jurisdiction of a post-conviction motion concerning jurisdiction over his parole and the Interstate Compact.
STANDARD OF REVIEW	The appellate court independently determined whether the Texas Legislature authorized an appeal and therefore whether the court had jurisdiction.
PRECEDENTIAL VALUE	Nonprecedential; marked Do Not Publish
PARTIES	Oliver W. Hart, III v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Texas criminal appellate procedure
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over Hart's appeal from the trial court's dismissal of his motion concerning parole and the Interstate Compact.
2. Whether the trial court's November 24, 2025 dismissal order was an order from which the Texas Legislature authorized an appeal.

HOLDINGS

1. The Court of Appeals lacked jurisdiction because the record did not indicate that the trial court entered an appealable order authorized by the Texas Legislature.

KEY QUOTATIONS

“The standard for determining jurisdiction is not whether the appeal is precluded by law, but whether the appeal is authorized by law.” (at 2)

“Because there is no indication in the record presently before this Court that the trial court entered an appealable order, we are without jurisdiction to hear Hart’s appeal.” (at 3)

FACTUAL BACKGROUND

In January 2010, a jury convicted Oliver W. Hart, III, of possession of a controlled substance, and the trial court sentenced him to forty-five years' confinement. In November 2025, Hart filed a motion concerning jurisdiction over his parole and the Interstate Compact in the original criminal cause. The trial court dismissed the motion for lack of jurisdiction, and Hart attempted to appeal that dismissal.

PROCEDURAL HISTORY

Hart was convicted by a jury in January 2010 of possession of a controlled substance and sentenced to forty-five years' confinement. In November 2025, he filed a motion in the original trial-court cause number, and the trial court dismissed it for lack of jurisdiction. Hart filed a notice of appeal from that order. After requesting and receiving an extension to respond to the appellate court's jurisdictional inquiry, Hart failed to establish that the order was appealable. The Court of Appeals dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Galitz v. State, 617 S.W.2d 949, 951 (Tex. Crim. App. 1981)
- Abbott v. State, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008)
- Gutierrez v. State, 307 S.W.3d 318, 321 (Tex. Crim. App. 2010)

OPINION

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-25-00196-CR OLIVER W. HART, III, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 5th District Court Bowie County, Texas Trial Court No. 06F0380-005 Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Chief Justice Stevens MEMORANDUM OPINION In January 2010, Oliver W. Hart, III, was convicted by a jury for possession of a controlled substance and was sentenced to forty-five years' confinement in prison.

On November 3, 2025, Hart filed a document captioned "Motion to Show Who Has Jurisdiction, the State of Texas Has Jurisdiction Authorities of Defendant's Parole and the Interstate Compact (ICAOS)" in the trial court cause number under which he was convicted, 06F0380-005.

On November 24, 2025, the trial court dismissed Hart's motion for lack of jurisdiction. On December 19, 2025, Hart filed a notice of appeal intending to appeal directly from the trial court's November 24 order. In Texas, a party may only appeal when the Texas Legislature has authorized an appeal. *Galitz v. State*, 617 S.W.2d 949, 951 (Tex. Crim. App. 1981); see *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex.

Crim. App. 2008) ("The standard for determining jurisdiction is not whether the appeal is precluded by law, but whether the appeal is authorized by law."). When the legislature passes legislation granting a right of appeal, in addition to granting its citizens that substantive right, it also grants the appellate courts of this State jurisdiction to hear such appeals.

In the absence of such authorizing legislation, appellate courts are without jurisdiction and have no authority to act. In the criminal context, the Texas Legislature has authorized appeals from written judgments of conviction and a few orders deemed appealable. See *Gutierrez v. State*, 307 S.W.3d 318, 321 (Tex. Crim. App. 2010).

After reviewing the available record, this Court made a preliminary determination that the trial court's November 24 order dismissing Hart's "Motion 2 to Show Who Has Jurisdiction, the State of Texas Has Jurisdiction Authorities of Defendant's Parole and the Interstate Compact (ICAOS)" was not an order from which the Texas Legislature authorized an appeal.

On January 22, 2026, this Court sent Hart a letter asking him to demonstrate how we have jurisdiction over this appeal. We warned Hart that if he did not file a response on or before February 11, 2026, we would have no choice but to dismiss the appeal for want of jurisdiction.

On February 10, 2026, Hart filed a motion for extension of time in which to file his response. The Court granted his request, and on February 23, 2026, Hart filed a response. Hart's response did not establish that this Court has jurisdiction over this appeal.

Because there is no indication in the record presently before this Court that the trial court entered an appealable order, we are without jurisdiction to hear Hart's appeal. Accordingly, we dismiss this

appeal for want of jurisdiction. Scott E. Stevens Chief Justice Date Submitted: February 25, 2026
Date Decided: February 26, 2026 Do Not Publish 3

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