

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Christopher Dillard v. The State of Texas

No. 04-25-00750-CR · No. 04-25-00750-CR · Decided May 13, 2026

SUMMARY

The Fourth Court of Appeals of Texas dismissed Christopher Dillard’s appeal from a conviction for sexual assault of a child for lack of jurisdiction. The court held that the notice of appeal was untimely because it was filed after the applicable thirty-day deadline and no motion for new trial had been filed.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam; Lori Massey Brissette, Justice; Adrian A. Spears II, Justice; H. Todd McCray, Justice
JURISDICTION	Fourth Court of Appeals of Texas, San Antonio
DECIDED	May 13, 2026
DOCKET	04-25-00750-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant sought review of his conviction for sexual assault of a child. The court ordered him to show cause why the appeal should not be dismissed for lack of jurisdiction based on an untimely notice of appeal.
STANDARD OF REVIEW	Appellate jurisdiction is determined by whether the notice of appeal was timely filed under Texas Rule of Appellate Procedure 26.2.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christopher Dillard v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal filed more than thirty days after sentencing when the appellant did not file a motion for new trial.

HOLDINGS

1. A defendant who does not timely file a motion for new trial must file a notice of appeal within thirty days after sentence is imposed or suspended. Because Dillard filed his notice of appeal after that deadline, the court lacked jurisdiction over the appeal.

KEY QUOTATIONS

“A timely notice of appeal is necessary to invoke” appellate jurisdiction.” (at 1)

“A defendant’s notice of appeal is timely if filed within thirty days after the day sentence is imposed or suspended, or within ninety days after sentencing if the defendant timely files a motion for new trial.” (at 1)

FACTUAL BACKGROUND

Dillard was convicted of sexual assault of a child under Texas Penal Code section 22.011(a)(2). The trial court imposed sentence on August 7, 2025, and Dillard did not file a motion for new trial. He filed his notice of appeal on November 5, 2025.

PROCEDURAL HISTORY

The trial court imposed sentence on August 7, 2025, in Real County cause number 2021-1420-DR. Dillard did not file a motion for new trial, so his notice of appeal was due September 8, 2025, but he filed it on November 5, 2025. After the appellate court issued a show-cause order, Dillard acknowledged the jurisdictional defect and did not contest dismissal.

DISPOSITION

dismissed

CASES CITED

- Taylor v. State, 424 S.W.3d 39, 43 (Tex. Crim. App. 2014)

OPINION

Christopher Dillard v. the State of Texas

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-25-00750-CR Christopher DILLARD, Appellant v. The STATE of Texas, Appellee From the 38th Judicial District Court, Real County, Texas Trial Court No. 2021-1420-DR Honorable Kelley Kimble, Judge Presiding

PER CURIAM

Sitting: Lori Massey Brissette, Justice Adrian A. Spears II, Justice H. Todd McCray, Justice
Delivered and Filed: May 13, 2026

DISMISSED FOR LACK OF JURISDICTION

Appellant attempts to appeal from his conviction for sexual assault of a child under Texas Penal Code Section 22.011(a)(2). “A timely notice of appeal is necessary to invoke” appellate jurisdiction. *Taylor v. State*, 424 S.W.3d 39, 43 (Tex. Crim. App. 2014). “A defendant’s notice of appeal is timely if filed within thirty days after the day sentence is imposed or suspended, or within ninety days after sentencing if the defendant timely files a motion for new trial.” *Id.* (citing TEX. R. APP. P. 26.2(a)). 04-25-00750-CR The trial court imposed the sentence on August 7, 2025. Because appellant did not file a motion for new trial, his notice of appeal was due by September 8, 2025. See TEX. R. APP. P. 26.2(a)(1). The record reflects appellant filed his notice of appeal on November 5, 2025, making this appeal untimely. Because it appears we lack jurisdiction over this appeal, we ordered appellant to show cause on or before April 15, 2026 why this appeal should not be dismissed for lack of jurisdiction. In response, appellant filed a letter acknowledging that he did not file a motion for new trial in this case and stating that appellant “does not contest the jurisdictional issue[.]” We therefore dismiss this untimely appeal for lack of jurisdiction. See *Taylor*, 424 S.W.3d at 43.

PER CURIAM

DO NOT PUBLISH

-2-