

Dismissed and Opinion Filed June 29, 2021



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-21-00489-CR

STEVEN WAYNE RUSSELL, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 196th District Court
Hunt County, Texas
Trial Court Cause No. 19717

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Nowell
Opinion by Justice Osborne

On October 27, 2000, a jury found Steven Wayne Russell guilty of capital murder and he was sentenced to life in prison. His conviction was affirmed on direct appeal. *See Russell v. State*, No. 05-00-01978-CR, 2002 WL 59264 (Tex. App.—Dallas Jan. 16, 2002, pet. ref'd) (not designated for publication). On June 25, 2021, he filed a pro se notice of appeal. We dismiss this appeal for lack of jurisdiction.

A defendant perfects his appeal by timely filing a written notice of appeal with the trial court clerk. *See* TEX. R. APP. P. 25.2(c). To be timely, the notice of appeal must be filed within thirty days after the date sentence was imposed or within ninety days after sentencing if the defendant timely filed a motion for new trial. *See* TEX.

R. APP. P. 26.2(a). The rules of appellate procedure allow the time to file a notice of appeal to be extended if the party files, within fifteen days of the filing deadline, both the notice of appeal and a motion to extend the time to file the notice of appeal. *See* TEX. R. APP. P. 10.5(b), 26.3. In the absence of a timely perfected notice of appeal, the Court must dismiss the appeal. *Ex parte Castillo*, 369 S.W.3d 196, 198 (Tex. Crim. App. 2012); *Slaton v. State*, 981S.W.2d 208, 210 (Tex. Crim. App. 1998).

Appellant's notice of appeal was due November 27, 2000. Because appellant's June 25, 2021 notice of appeal was untimely, we lack jurisdiction over this appeal. We further note that, because appellant previously filed an appeal in 2000 which has been disposed of, we have no jurisdiction to entertain a second direct appeal.

We dismiss this appeal.

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TEX. R. APP. P. 47.2(b)

/Leslie Osborne//
LESLIE OSBORNE
JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

STEVEN WAYNE RUSSELL,
Appellant

No. 05-21-00489-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 196th District
Court, Hunt County, Texas
Trial Court Cause No. 19717.
Opinion delivered by Justice
Osborne. Justices Pedersen, III and
Nowell participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered this 29th day of June, 2021.