

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT AT AMARILLO

In the Interest of B.C., a Child

No. 07-13-0039-CV · No. No. 07-13-0039-CV · Decided March 26, 2013

SUMMARY

The Court of Appeals for the Seventh District of Texas dismissed an appeal from an order terminating Anthony Lee Torres's parental rights after the trial court granted a new trial. The court taxed appellate costs against Torres and ordered that its mandate issue forthwith.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District at Amarillo
WRITING FOR THE COURT	James T. Campbell; Quinn, C.J.; James T. Campbell, J.; Pirtle, J.
JURISDICTION	Texas
DECIDED	March 26, 2013
DOCKET	No. 07-13-0039-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed an order terminating his parental rights and then moved to dismiss the appeal after the trial court granted a new trial.
PRECEDENTIAL VALUE	published

TOPICS

termination of parental rights parental rights family law procedure appellate procedure

PRACTICE AREAS

family law appellate procedure parental rights termination of parental rights

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed under Texas Rule of Appellate Procedure 42.1(a)(1) after appellant moved for dismissal and the trial court granted a new trial before the appellate court issued a decision.
2. How appellate costs should be taxed when the parties have not presented an agreement regarding costs.

HOLDINGS

1. The court granted appellant's motion and dismissed the appeal because the trial court had granted a new trial and the appellate court had not issued a decision.
2. Because the parties did not present an agreement for taxation of costs, costs were taxed against appellant.

KEY QUOTATIONS

"As no decision of the Court has been delivered to date, we grant appellant's motion to dismiss the appeal."
(2)

FACTUAL BACKGROUND

The appeal arose from a trial court order terminating appellant's parental rights to his child, B.C. Before the appellate court issued a decision, the trial court granted a new trial. Appellant then requested dismissal of the appeal.

PROCEDURAL HISTORY

The trial court entered an order terminating appellant's parental rights on January 18, 2013. Appellant filed a notice of appeal on February 6, 2013. After the trial court granted a new trial, appellant moved to dismiss the appeal on March 19, 2013; because the appellate court had not issued a decision, it granted the motion and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo _____ No. 07-13-0039-CV _____ IN THE INTEREST OF B.C., A CHILD On Appeal from the 320th District Court Potter County, Texas Trial Court No. 81,655-D, Honorable Don Emerson, Presiding March 26, 2013 MEMORANDUM OPINION Before Quinn, C.J., and Campbell and Pirtle, JJ. Appellant filed notice of appeal on February 6, 2013, from the trial court's January 18 order terminating his parental rights to his child, B.C.

On March 19, appellant filed a motion to dismiss his appeal, after the trial court granted a new trial. As no decision of the Court has been delivered to date, we grant appellant's motion to dismiss the appeal. The appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith. See Tex. R. App. P. 42.1(a)(1).

The parties have not presented an agreement for taxation of costs. Therefore, costs are taxed against appellant. Tex. R. App. P. 42.1(d). James T. Campbell Justice 2

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