

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

In the Matter of D.M.M., a Juvenile v. the State of Texas

In re D.M.M. · No. 13-26-00381-CV; 13-26-00382-CV · Decided June 4, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed two appeals by a juvenile from an order waiving juvenile-court jurisdiction and transferring the cases for trial as an adult. The court held that the notices of appeal were untimely and that the appellant’s response, even if construed as a motion for extension, was filed after the applicable grace period.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Clarissa Silva; Chief Justice Tijerina; Justice Silva; Justice Cron
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	June 4, 2026
DOCKET	13-26-00381-CV; 13-26-00382-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a juvenile court order waiving exclusive original jurisdiction and transferring the juvenile's cases to district court for trial as an adult. The court of appeals reviewed the timeliness of the notices of appeal and dismissed for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction and compliance with the deadlines governing accelerated appeals. Appellate jurisdiction cannot be enlarged beyond the authority provided by the Texas Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Published
PARTIES	D.M.M., a juvenile v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- family law procedure
- civil procedure

PRACTICE AREAS

appellate procedure

juvenile law

family law

QUESTIONS PRESENTED

1. Whether the notices of appeal from the juvenile court's certification and transfer order were timely under the accelerated-appeal deadlines.
2. Whether the court could treat D.M.M.'s late response as a motion for extension of time when the response was filed after the fifteen-day Rule 26.3 grace period.
3. Whether the appeals had to be dismissed for want of jurisdiction under Texas Rule of Appellate Procedure 42.3.

HOLDINGS

1. Appeals from an order certifying or transferring a juvenile to stand trial as an adult are accelerated appeals, and the notice of appeal is due twenty days after the judgment is signed.
2. To obtain an extension under Rule 26.3, the appellant must file the notice of appeal in the trial court and a compliant motion for extension in the appellate court within fifteen days after the filing deadline; merely filing a late notice or a later explanation is insufficient.
3. When a notice of appeal is untimely and the Rule 26.3 requirements for an extension are not met, the court of appeals must dismiss the appeal for want of jurisdiction.

KEY QUOTATIONS

“Because appellant’s notice of appeal was untimely as to both causes, we lack jurisdiction over the appeals. Accordingly, we dismiss both causes in their entirety for want of jurisdiction.” (opinion at 3)

FACTUAL BACKGROUND

The juvenile court signed an order transferring D.M.M.'s cases to district court for trial as an adult on April 22, 2026. D.M.M. filed notices of appeal on May 13, 2026, after the twenty-day deadline but within the fifteen-day grace period authorized by Rule 26.3. D.M.M. did not file a motion for extension within that grace period; her response explaining the late filing was submitted on May 31, after the grace period had expired.

PROCEDURAL HISTORY

The Matagorda County juvenile court signed an order on April 22, 2026, waiving exclusive original jurisdiction and transferring D.M.M.'s cases to the appropriate district court to stand trial as an adult. D.M.M. filed notices of appeal on May 13, 2026, within the fifteen-day grace period but after the twenty-day deadline for accelerated appeals. After the appellate clerk notified D.M.M. that the appeals appeared untimely, D.M.M. filed an explanation on May 31, 2026, but did not file a motion for extension within the Rule 26.3 grace period. The court dismissed both appeals for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- In re K.A.F., 160 S.W.3d 923, 926–27 (Tex. 2005)
- Verburgt v. Dorner, 959 S.W.2d 615, 616–17 (Tex. 1997)
- In re T.W., 89 S.W.3d 641, 642 (Tex. App.—Amarillo 2002, no pet.)
- Woodard v. Higgins, 140 S.W.3d 462, 462 (Tex. App.—Amarillo 2004, no pet.)

OPINION

In the Matter of D.M.M., a Juvenile v. the State of Texas

PER CURIAM.

NUMBERS 13-26-00381-CV, 13-26-00382-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE MATTER OF D.M.M., A JUVENILE

ON APPEAL FROM THE 130TH DISTRICT COURT

OF MATAGORDA COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Silva and Cron Memorandum Opinion by Justice Silva

This matter is before the Court on its own motion. On May 13, 2026, appellant D.M.M. 1 filed a notice of appeal attempting to appeal an April 22, 2026 order waiving exclusive original jurisdiction and transferring appellant’s case to the appropriate district court to stand trial as an adult in cause numbers 25-016-J and 25-017-J. See TEX. FAM. 1 To protect the identity of the juvenile, we refer to the juvenile by initials. See TEX. R. APP. P. 9.8(c)(1)(A) (providing that a juvenile must only be identified by an alias in an appeal arising out of a juvenile court). CODE § 56.01(c)(1)(A); TEX. R. APP. P. 28.4. On May 14, 2026, the Clerk of the Court notified appellant that it appeared that the appeal was not timely perfected. See TEX. R. APP. P. 26.1(b). Appellant was advised that the appeal would be dismissed if the defect was not corrected within ten days from the date of the Court’s directive. See *id.* R. 26.3, 42.3(a), (c). The Texas Family Code provides that an appeal from an order of a juvenile court concerning the transfer of the juvenile to adult criminal court is generally governed by the rules of civil cases. See TEX. FAM. CODE § 56.01(a), (b), (c)(1)(A). This Court is bound by the Texas Rules of Appellate Procedure in juvenile cases. Appeals from an order certifying a child to stand trial as an adult are governed by the rules for accelerated appeals. See TEX. R. APP. P. 28.4(a)(1); TEX. R. JUD. ADMIN. 6.2(a), reprinted in TEX. GOV’T CODE, tit. 2, subtit. F app. The notice of appeal is due twenty days after the judgment is signed. TEX. R. APP. P. 26.1(b). The appellate court may extend the time to file the

notice of appeal if, within fifteen days after the deadline for filing the notice of appeal, the appellant files the notice of appeal in the trial court and files in the appellate court a motion for extension of time that complies with the appellate rules. *Id.* R. 26.3; see *In re K.A.F.*, 160 S.W.3d 923, 926–27 (Tex. 2005). We are to construe the rules of appellate procedure reasonably and liberally so that the right to appeal is not lost by imposing requirements not absolutely necessary to effectuate the purpose of a rule. See *Verburgt v. Dorner*, 959 S.W.2d 615, 616–17 (Tex. 1997). However, we are prohibited from enlarging the scope of our jurisdiction by expanding the time for perfecting an appeal in a civil case in a manner not provided for by rule. See TEX. R. APP. P. 2; *In re T.W.*, 89 S.W.3d 641, 642 (Tex. App.—Amarillo 2002, no pet.). 2 Here, appellant’s notice of appeal was filed on May 13, 2026, within the fifteen-day grace period after the trial court’s order was signed on April 22, 2026. See TEX. R. APP. P. 26.3. Nonetheless, appellant must provide a reasonable explanation for the late filing, and it is not enough to simply file a notice of appeal. See *Verburgt*, 959 S.W.2d 617; *Woodard v. Higgins*, 140 S.W.3d 462, 462 (Tex. App.—Amarillo 2004, no pet.); TEX. R. APP. P. 26.3 (providing that appellate court may extend time to file notice of appeal if, within fifteen days of the deadline for filing, appealing party files its notice of appeal and accompanying motion). On May 31, 2026, appellant filed a response to the Court’s directive providing an explanation for the late filing of the notice of appeal. However, even if we were to construe appellant’s response as a motion for extension of time to file appeal, appellant filed her response after the fifteen-day grace period provided by Rule 26.3 had expired. See TEX. R. APP. P. 26.3. Rule 42.3 permits an appellate court, on its own initiative after giving ten days’ notice to all parties, to dismiss the appeal for want of jurisdiction or for failure to comply with a requirement of the appellate rules. See *id.* R. 42.3(a), (c). Because appellant’s notice of appeal was untimely as to both causes, we lack jurisdiction over the appeals. Accordingly, we dismiss both causes in their entirety for want of jurisdiction. See *id.* 42.3(a).

CLARISSA SILVA

Justice Delivered and filed on the 4th day of June, 2026. 3