

SEVENTH COURT OF APPEALS OF TEXAS AT AMARILLO

Nancy S. Morrison v. Sheriff Wesley Crites, Deputy D.B. Marcolesco

Morrison v. Crites · No. 07-14-00317-CV · Decided January 21, 2015

SUMMARY

This document is a letter brief and accompanying affidavit submitted by Wheeler County in the Texas Seventh Court of Appeals regarding Nancy S. Morrison’s attempted appeal from justice court. It argues that the appeal was not properly perfected or timely filed because Morrison did not file an appeal bond, cash deposit, or affidavit of inability to pay costs, and requests dismissal for want of jurisdiction.

CASE DETAILS

COURT	Seventh Court of Appeals of Texas at Amarillo
JURISDICTION	Texas
DECIDED	January 21, 2015
DOCKET	07-14-00317-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellee submitted a letter brief and affidavit urging dismissal of the appeal for want of jurisdiction because the appellant allegedly failed to perfect an appeal from justice court to county court.
PRECEDENTIAL VALUE	unknown
PARTIES	Nancy S. Morrison v. Sheriff Wesley Crites, Deputy D.B. Marcolesco

TOPICS

appellate jurisdiction appellate procedure civil procedure default judgment

PRACTICE AREAS

civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from the justice court judgment was properly perfected when Morrison filed notices of appeal without an appeal bond, cash deposit, or affidavit of inability to pay costs.

2. Whether the appeal was untimely because the justice court's plenary power expired and no motion extending appellate deadlines was filed.

FACTUAL BACKGROUND

Morrison filed a small-claims action against Sandy Castillo in Wheeler County Justice Court and received a default judgment on December 4, 2013. After obtaining a writ of execution and disputing its execution, she filed notices of appeal on March 31 and April 14, 2014. The appellee's evidence states that Morrison did not file an appeal bond, cash deposit, or affidavit of inability to pay costs with either notice.

PROCEDURAL HISTORY

Morrison obtained a default judgment in a small-claims action in Wheeler County Justice Court on December 4, 2013. She filed notices of appeal on March 31 and April 14, 2014, but, according to the appellee's submission, filed neither an appeal bond, cash deposit, nor affidavit of inability to pay costs. The supplied document is an appellee's letter brief and supporting affidavit arguing that the appeal should be dismissed; it does not contain a judicial disposition.

DISPOSITION

other

CASES CITED

- Meyers v. Belford, 550 S.W.2d 359 (Tex. Civ. App.—El Paso 1977, no writ)
- Litoff v. Meadows Service Corp., 352 S.W.3d 894, 897 (Tex. App.—Dallas 2011, no pet.)
- Carrera v. Marsh, 847 S.W.2d 337 (Tex. App.—El Paso 1993)