

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

**In the Matter of the Marriage of Malaki Polite Hawkins and Hale
Horley Hawkins**

No. 13-26-00316-CV · No. 13-26-00316-CV · Decided June 4, 2026

OPINION

In the Matter of the Marriage of Malaki Polite Hawkins and Hale Horley Hawkins v. the State of Texas

PER CURIAM.

NUMBER 13-26-00316-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE MATTER OF THE MARRIAGE OF

MALAKI POLITE HAWKINS AND HALE HORLEY HAWKINS

ON APPEAL FROM THE 480TH DISTRICT COURT

OF WILLIAMSON COUNTY, TEXAS

MEMORANDUM OPINION

Before Justices Silva, Peña, and Fonseca Memorandum Opinion by Justice Silva This matter is before the Court on appellant Hale Horley Hawkins’s motion for extension of time to file notice of appeal and motion for extension of time to file brief. 1 On December 4, 2025, the trial court signed a final decree of divorce. On December 10, 2025, appellant filed a motion for new trial “solely for the purpose of extending the appellate timetable and is not filed to challenge the substance of the 1 This case is before the Court on transfer from the Third Court of Appeals pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV’T CODE § 73.001. judgment or to request that it be altered or set aside.” On March 9, 2026, appellant filed a notice of appeal attempting to appeal the divorce decree in trial court cause number 24- 0077-F480. See TEX. R. APP. P. 26.1(a). On May 1, 2026, the Clerk of the Court notified appellant that it appeared that the appeal was not timely perfected. Appellant was advised that the appeal would be dismissed if the defect was not corrected within ten days from the date of receipt of the notice. See id. R. 42.3(a), (c). On May 5, 2026, appellant filed a motion for extension of time to file the appellate brief seeking an additional thirty days. On May 8, 2026,

appellant filed a motion for extension of time to file the notice of appeal. See *id.* R. 26.3. The Court is bound by the Texas Rules of Appellate Procedure. 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 enlarging 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.). Here, appellant’s notice of appeal was filed on March 9, 2026, within the fifteen- day grace period. Nonetheless, appellant must provide a reasonable explanation for the 2 late filing, and it is not enough to simply file a notice of appeal. *Verburgt*, 959 S.W.2d 617; *Woodard v. Higgins*, 140 S.W.3d 462, 462 (Tex. App.—Amarillo 2004, no pet.); see 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 8, 2026, appellant filed a motion for extension of time providing an explanation for the late filing of the notice of appeal. However, appellant filed the motion 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 and subsequent motion for extension of time to file notice of appeal was untimely, we lack jurisdiction over the appeal. Accordingly, we dismiss both motions and the entire cause for want of jurisdiction. See *id.* 42.3(a).

CLARISSA SILVA

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