

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In the Interest of Baby Boy P, aka J.C.P., a Child

In re Baby Boy P · No. 05-12-00723-CV · Decided January 17, 2013

OPINION

in the Interest of J.C.P.

PER CURIAM.

DISMISS; Opinion Filed January 17, 2013. In The Apprais unrt if Fiflh Oi&trirt uf ixa at OattaEi
No. 05-12-00723-C V

IN THE INTEREST OF BABY BOY P, AKA J.C.P., A CHILD

On Appeal from the 305th Judicial District Court Dallas County, Texas Trial Court Cause No. 12-192-X-305TH

MEMORANDUM OPINION

Before Justices Moseley, Francis and Lang Opinion By Justice Francis By letter dated November 28, 2012, we directed appellant to file, within ten days, a brief addressing our jurisdiction over this appeal. Specifically, we questioned the timeliness of appellant's May 29, 2012 notice of appeal in which he complained of the trial court's February 28, 2012 final decree of termination. We noted in our letter that, subject to a few mostly statutory exceptions, our jurisdiction is invoked only upon the timely filing of a notice of appeal from a final judgment. *Lehman v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233, 233 (Tex. App.—Houston [1st Dist.] 2007, no pet.). We further noted that because an appeal from a parental termination case is accelerated, the notice of appeal was due no later than March 19, 2012 or, with a timely extension motion, April 3, 2012. See TEX. R. APP. P. 26.1(b), 26.3, 28.1(b), 28.4; TEX. FAM. CODE ANN. § 109.002(a) (West Supp. 2012). Appellant's time for filing his jurisdictional brief has passed, and he has not corresponded with the Court. On January 3, 2013, appellee filed a motion to dismiss for want of jurisdiction. Ten days have passed since the motion was filed, and appellant has not responded to the motion either. See TEX. R. APP. P. 103(a). Because appellant's May 29, 2012 notice of appeal is untimely, it fails to invoke our jurisdiction. See *Gaiza*, 227 S.W.3d at 233. Accordingly, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.3(a).

MOLLY ICIS

JUSTICE

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JUDGMENT

IN THE INTEREST OF BABY BOY P, AKA Appeal from the 305th Judicial District Court J.C.P.,
A CHILD of Dallas County, Texas. (Tr.Ct.No. 12-192 X-3 05th). No. 05-12-00723-CV Opinion

delivered by Justice Francis, Justices Moseley and Lang participating. In accordance with this Court's opinion of this date, we DISMISS the appeal. We ORDER that appellees Tony Don Puckett and Dorothy Mullin Pucket recover their costs, if any, of this appeal from appellant Christopher Chant Jordan. Judgment entered January 17, 2013. \OI I' hRi\N(IS .11 SI\ I.

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