

**COURT OF APPEALS OF TEXAS, SECOND DISTRICT OF TEXAS, FORT
WORTH**

Estate of John David Harris, Deceased

No. 02-13-00294-CV · No. No. 02-13-00294-CV · Decided October 3, 2013

SUMMARY

The Texas Court of Appeals, Second District, dismissed David Glen Harris’s appeal from an order denying his motions for appointment of counsel in a probate proceeding. The court held that the order was not a final judgment or an appealable interlocutory order and therefore dismissed the appeal for want of jurisdiction.

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 02-13-00294-CV
ESTATE OF JOHN DAVID HARRIS, DECEASED FROM PROBATE COURT NO. 1 OF
TARRANT COUNTY MEMORANDUM OPINION 1 Pro se appellant David Glen Harris
attempts to appeal from the August 1, 2013 order denying his first and second motions for
appointment of counsel.

On August 23, 2013, we notified appellant of our concern that we lacked jurisdiction over the
appeal because the order did not appear to be a final judgment or appealable interlocutory order.
See Tex. R. App. P. 42.3(a); *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001).

We informed appellant that the appeal was subject to dismissal for want of jurisdiction unless 1
See Tex. R. App. P. 47.4. he or any party desiring to continue the appeal filed with the court a
response showing grounds for continuing the appeal on or before September 3, 2013. Appellant
has filed a response, but it does not show grounds for continuing the appeal, and none of the
authorities cited in his response support a finding of jurisdiction in this case.

See Tex. Prob. Code Ann. § 3(bb) (West Supp. 2012) (defining “probate proceeding”); cf. id. §
34A (West 2003) (setting out when an attorney ad litem may be appointed), § 53(b)–(c) (West
2003 & Supp. 2012) (same); *Crowson v. Wakeham*, 897 S.W.2d 779, 783 (Tex. 1995) (requiring
either express statutory permission or disposal of all issues in a particular phase of probate
proceedings for interlocutory probate judgment to be appealable); *Okumu v. Wells Fargo Bank,
N.A.*, No. 02-09-00384-CV, 2010 WL 87735, at *1 (Tex.

App.—Fort Worth Jan. 7, 2010, no pet.) (mem. op.) (noting that exception to the “one final
judgment” rule exists in probate cases because of the need to review controlling, intermediate

decisions before an error can harm later phases of the proceeding).

Therefore, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).
PER CURIAM PANEL: MCCOY, MEIER, and GABRIEL, JJ. DELIVERED: October 3, 2013 2