

**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

---

**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