

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Dakesha Danyell Robinson v. Randall Wayne Kelley

Robinson v. Kelley · No. 01-23-00801-CV · Decided March 26, 2026

SUMMARY

The Texas First Court of Appeals dismissed an appeal from an order modifying the parent-child relationship after appellant's counsel reported that the parties had entered into an agreed order and that appellant no longer wished to pursue the appeal. The court construed counsel's letter as a motion to dismiss, granted it under Texas Rules of Appellate Procedure 42.1(a) and 43.2(f), and dismissed other pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	March 26, 2026
DOCKET	01-23-00801-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the trial court's July 19, 2023 order in a suit to modify the parent-child relationship; appellant moved to dismiss the appeal after the parties entered an agreed order.
PRECEDENTIAL VALUE	Published
PARTIES	Dakesha Danyell Robinson v. Randall Wayne Kelley

TOPICS

- appellate procedure
- family law procedure
- mootness
- child custody

PRACTICE AREAS

- Appellate procedure
- Family law

QUESTIONS PRESENTED

1. Whether the appellant's counsel's letter should be construed as a motion to dismiss the appeal.

2. Whether the appeal should be dismissed after appellant no longer wished to pursue it and appellee did not oppose dismissal.

HOLDINGS

1. A letter from appellant's counsel stating that appellant no longer wished to pursue the appeal was construed as a motion to dismiss the appeal.
2. The motion to dismiss was granted and the appeal was dismissed.

KEY QUOTATIONS

“Because counsel asserts that appellant no longer wishes to pursue her appeal, we construe this letter as a motion to dismiss the appeal.” (1)

“Accordingly, we grant the motion and dismiss the appeal.” (1)

FACTUAL BACKGROUND

The appeal arose from a July 19, 2023 order in a suit to modify the parent-child relationship. While the appeal was pending, the parties entered an agreed order on March 7, 2024. Appellant's counsel represented that there was no longer a need to pursue the appeal, and appellee did not oppose dismissal.

PROCEDURAL HISTORY

Appellant appealed an order from the 300th District Court of Brazoria County, Texas, in a suit to modify the parent-child relationship. Appellant's counsel informed the court that the parties had entered an agreed order on March 7, 2024 and that appellant no longer wished to pursue the appeal. The Court of Appeals construed the letter as a motion to dismiss, granted it, and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued March 26, 2026 In The Court of Appeals For The First District of Texas NO. 01-23-00801-CV DAKESHA DANYELL ROBINSON, Appellant V. RANDALL WAYNE KELLEY, Appellee On Appeal from the 300th District Court Brazoria County, Texas Trial Court Case No. 75051-F MEMORANDUM OPINION This is an appeal from the trial court's July 19, 2023 Order in Suit to Modify Parent-Child Relationship.

Appellant's counsel has filed a letter stating that the parties had entered into an Agreed Order in Suit to Modify the Parent-Child Relationship on March 7, 2024 and that there was no longer a need to pursue the appeal. Appellee has not opposed this letter.

Because counsel asserts that appellant no longer wishes to pursue her appeal, we construe this letter as a motion to dismiss the appeal. Accordingly, we grant the motion and dismiss the appeal. See TEX. R. APP. P. 42.1(a), 43.2(f). Any other pending motions are dismissed as moot. PER CURIAM Panel consists of Chief Justice Adams and Justices Guerra and Guiney.