

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

In the Interest of R.R.S., a Child

No. 14-21-00350-CV · No. 14-21-00350-CV · Decided August 12, 2021

SUMMARY

The Fourteenth Court of Appeals of Texas dismissed an appeal for want of jurisdiction because the notice of appeal was filed after the deadline and the appellant failed to provide a reasonable explanation or file a motion to extend time. The court concluded that the appeal could not proceed under the applicable Texas Rules of Appellate Procedure.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourteenth District
WRITING FOR THE COURT	Justice Wise; Justice Bourliot; Justice Zimmerer
JURISDICTION	Texas
DECIDED	August 12, 2021
DOCKET	14-21-00350-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a judgment of the 308th District Court of Harris County, Texas; the appeal was dismissed for want of jurisdiction because the notice of appeal was untimely and appellant did not provide a reasonable explanation or file a motion to extend.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Appellant

TOPICS

- appellate procedure
- appellate jurisdiction
- civil procedure
- family law

PRACTICE AREAS

- appellate procedure
- family law

QUESTIONS PRESENTED

- Whether the appellate court had jurisdiction when appellant filed the notice of appeal after the deadline and failed to provide a reasonable explanation for the late filing or file a motion to extend.

HOLDINGS

1. When a notice of appeal is filed within fifteen days after the deadline, an extension may be implied, but the appellant must provide a reasonable explanation for the late filing and comply with the applicable extension requirements. Because appellant failed to file a proper motion to extend or otherwise support the late filing, the court lacked jurisdiction and dismissed the appeal.

KEY QUOTATIONS

“Therefore, we dismiss the appeal for want of jurisdiction.” (2)

FACTUAL BACKGROUND

The appeal arose from a judgment signed on May 24, 2021, in a proceeding involving R.R.S., a child. Appellant filed the notice of appeal on June 23, 2021, nine days after the June 14 deadline. Appellant did not file the required motion to extend after the appellate court ordered him to do so.

PROCEDURAL HISTORY

The trial court signed the judgment on May 24, 2021, making the notice of appeal due June 14, 2021. Appellant filed the notice on June 23, 2021, within the fifteen-day period in which an extension could be implied, but did not file a motion to extend or provide a reasonable explanation for the late filing. After the appellate court ordered appellant to file a proper extension motion, appellant failed to do so, and the court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Verburgt v. Dorner, 959 S.W.2d 615, 617 (Tex. 1997)
- Miller v. Greenpark Surgery Center Assocs., Ltd., 974 S.W.2d 805, 808 (Tex. App.—Houston [14th Dist.] 1998, no pet.)

OPINION

in the Interest of R.R.S., a Child

PER CURIAM.

Appeal Dismissed and Memorandum Opinion filed August 12, 2021. In The Fourteenth Court of Appeals

NO. 14-21-00350-CV

IN THE INTEREST OF R.R.S., A CHILD

On Appeal from the 308th District Court Harris County, Texas Trial Court Cause No. 2020-12963

MEMORANDUM OPINION

This is an appeal from a judgment signed May 24, 2021. The notice of appeal was due June 14, 2021. See Tex. R. App. P. 26.1. Appellant, however, filed his notice of appeal on June 23, 2021, a

date within 15 days of the due date for the notice of appeal. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Appellant did not file a motion to extend time to file the notice of appeal. While an extension may be implied, appellant is still obligated to come forward with a reasonable explanation to support the late filing. See *Miller v. Greenpark Surgery Center Assocs., Ltd.*, 974 S.W.2d 805, 808 (Tex. App.—Houston [14th Dist.] 1998, no pet.). On July 20, 2021, we ordered appellant to file a proper motion to extend time to file the notice of appeal on or before July 30, 2021. See Tex. R. App. P. 26.3, 10.5(b). Appellant did not file such a motion. Therefore, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Zimmerer. 2