

COURT OF APPEALS OF TEXAS, SECOND DISTRICT, FORT WORTH

Jeffrey Lynn Lewis v. State

No. 2-10-046-CV · No. No. 2-10-046-CV · Decided April 8, 2010

SUMMARY

The Texas Court of Appeals, Second District, dismissed Jeffrey Lynn Lewis's appeal for want of jurisdiction because his notice of appeal was filed more than a year after the deadline. The court held that neither a timely notice of appeal nor a timely extension request was filed.

OPINION

PER CURIAM.

COURT OF APPEALS SECOND DISTRICT OF TEXAS FORT WORTH NO. 2-10-046-CV JEFFREY LYNN LEWIS APPELLANT V. THE STATE OF TEXAS APPELLEE FROM THE 211TH DISTRICT COURT OF DENTON COUNTY MEMORANDUM OPINION[1] On March 8, 2010, we notified Appellant Jeffrey Lynn Lewis that we were concerned that this court may not have jurisdiction over this appeal because it appeared that his notice of appeal was not timely filed.

We stated that the appeal might be dismissed for want of jurisdiction unless Lewis or any party desiring to continue the appeal filed with the court a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3. Lewis filed a response to our jurisdiction letter stating that the State did not notify him of the default judgment until late in January of 2010¹ and that he had immediately filed a request for permission to appeal.

However, Lewis's ARequest For Extension Of Time To File An Appeal,² which was filed on March 9, 2010, is defective because it was filed over a year after the fifteen-day deadline for filing a motion for extension of time to file a notice of appeal and because he failed to pay the filing fee and failed to provide a certificate of conference and a certificate of service.

See Tex. R. App. P. 26.3. The trial court's final judgment was signed on October 17, 2008. Lewis did not file a motion for new trial, so his notice of appeal was due November 17, 2008. Lewis, however, did not file his notice of appeal until February 8, 2010.

The time for filing a notice of appeal is jurisdictional in this court, and absent a timely-filed notice of appeal or extension request, we must dismiss the appeal. See Tex. R. App. P. 2, 25.1(b), 26.3; *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997); *Chilkewitz v. Winter*, 25 S.W.3d 382, 383B84 (Tex.

App.CFort Worth 2000, no pet.). Accordingly, we dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f). PER CURIAM PANEL: WALKER, MCCOY, and MEIER, JJ. DELIVERED: April 8, 2010 [1]See Tex. R. App. P. 47.4.

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