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## YEAR 2005 CASE SUMMARIES

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By  
**The Honorable Pat Garza**

Associate Judge  
386th District Court  
San Antonio, Texas

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### **In juvenile case, appellant's notice of appeal must be filed within 30 days after the judgment is signed.[In the Matter of C.G.](05-4-21)**

**On October 31, 2005, the Tyler Court of Appeals held that, although Appellant filed a motion for new trial, because the motion was filed more than thirty days after judgment, the motion was untimely, and the appellate court had no jurisdiction to consider the appeal.**

¶ 05-4-21. **In the Matter of C.G.**, MEMORANDUM, No. 12-05-00332, 2005 Tex.App.Lexis 9046 (Tex.App.— Tyler, 10/31/05).

**Held:** Appeal dismissed for want of jurisdiction.

**Memorandum Opinion:** This appeal is being dismissed for want of jurisdiction pursuant to *Texas Rule of Appellate Procedure 42.3(a)*. The trial court's judgment was signed on June 13, 2005. Under *rule of appellate procedure 26.1(a)*, unless Appellant timely filed a motion for new trial or other postjudgment motion that extended the appellate deadlines, her notice of appeal was due to have been filed "within 30 days after the judgment [was] signed," i.e., July 13, 2005. Although on July 14, 2005, Appellant filed a motion for new trial, because the motion was filed more than thirty days after judgment, the motion was untimely. *See TEX. R. CIV. P. 329(a)*. Consequently, the time for perfecting Appellant's appeal was not extended. *See TEX. R. APP. P. 26.1(a)*. Appellant filed a notice of appeal on October 11, 2005. However, because the notice of appeal was not filed on or before July 13, 2005, this Court has no jurisdiction to consider the appeal.

On October 13, 2005, this Court notified Appellant pursuant to *Texas Rule of Appellate Procedure 42.3(a)* that her notice of appeal was untimely, and it informed her that unless, on or before October 24, 2005, the record was amended to establish the jurisdiction of this Court, the appeal would be dismissed. Appellant has neither responded to this Court's notice or otherwise established jurisdiction.

**Conclusion:** Because this Court is not authorized to extend the time for perfecting an appeal except as provided by *Texas Rules of Appellate Procedure 26.1* and *26.3*, we dismiss the appeal for want of jurisdiction. *TEX. R. APP. P. 42.3(a)*.