

Review of Recent Juvenile Cases (2008)

by
The Honorable Pat Garza
Associate Judge
386th District Court
San Antonio, Texas

Failure to pay required appellate filing fee or establish indigence warrants dismissal of appeal.[In the Matter of M.A.F.](08-2-4)

On February 15, 2008, the Amarillo Court of Appeals held that since appellant's counsel did not pay required filing fee or establishing indigence, after being notified to do so, his appeal is dismissed.

¶08-2-4. **In the Matter of M.A.F.**, No. 07-08-0048-CV, 2008 Tex.App.Lexis 1154 (Tex.App.—Amarillo, 2/15/08).

Facts and Opinion: On July 20, 2005, Appellant, M.A.F.,¹ a child found to have engaged in delinquent conduct, was placed on probation. On December 17, 2007, the juvenile court's original disposition was modified and M.A.F. was committed to the Texas Youth Commission for an indeterminate period of time not to exceed the time when he shall be nineteen years old. On January 16, 2008, Appellant timely filed a notice of appeal challenging the juvenile court's order. Upon filing the notice of appeal, M.A.F. did not submit the required filing fee or establish his indigence. *See Tex. R. App. P. 5, 20.1, & 12.1(b)*. Thus, M.A.F.'s counsel was notified by letter dated January 23, 2008, to pay the required filing fee noting that failure to do so might result in dismissal of the appeal per *Rule 42.3(c) of the Texas Rules of Appellate Procedure*. To date, counsel has not responded nor paid the required filing fee.

1 To protect the privacy of the child, we refer to the him by his initials. *See Tex. Fam. Code Ann. §§ 56.01(j), 109.002(d)* (Vernon 2002).

Held: Consequently, the appeal is dismissed.

Per Curiam