

DISMISS and Opinion Filed August 21, 2019



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00675-CV

ERIC K. GORMLY, Appellant

V.

COMMISSION FOR LAWYER DISCIPLINE/STATE BAR OF TEXAS, Appellee

**On Appeal from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-03533**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Whitehill, and Justice Molberg
Opinion by Chief Justice Burns

Eric K. Gormly appeals the trial court’s December 21, 2018 judgment. According to his notice of appeal, appellant “timely filed a motion for new trial.” Assuming this statement is correct, appellant’s notice of appeal was due on or before March 21, 2019. *See* TEX. R. APP. P. 26.1(a). However, appellant’s notice of appeal was filed in the trial court on June 3, 2019, outside the ninety-day period provided by rule 26.1. *See Blaylock v. Fiesta Mart, Inc.*, No. 05-04-01784-CV, 2005 WL 110375, *1 (Tex. App.—Dallas Jan. 20, 2005) (although motion for new trial timely filed, notice of appeal was untimely and deprived Court of jurisdiction). Thus, the appeal appears to be untimely.

In order to determine our jurisdiction, we directed the district clerk to file the clerk’s record. In response, the district clerk filed a letter stating that the clerk’s record had been prepared

but not filed because appellant had not paid or made arrangements to pay for the clerk's record. We then notified appellant by letter dated June 13, 2019 that the clerk's record had not been filed. We instructed him to provide written verification by June 24, 2019 that he had paid or made arrangements to pay for the clerk's record or that he had been found entitled to proceed without payment of costs. We cautioned appellant that if he failed to respond with the required documentation, the Court might dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b); 42.3(b). To date, appellant has not responded or otherwise communicated with the Court about his appeal.

For the above reasons, we dismiss this appeal. *See* TEX. R. APP. P. 26.1(a); 37.3(b); 42.3.

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/Robert D. Burns, III/
ROBERT D. BURNS, III
CHIEF JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ERIC K. GORMLY, Appellant

No. 05-19-00675-CV V.

COMMISSION FOR LAWYER
DISCIPLINE/STATE BAR OF TEXAS,
Appellee

On Appeal from the 101st Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-18-03533.
Opinion delivered by Chief Justice Burns,
Justices Whitehill and Molberg
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered August 21, 2019