



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00607-CV

Debra **BARRIENTOS**, Individually and as a/the Heir and as a Pending Representative of the
Estate of Melissa Kay Harbert, Deceased,
Appellant

v.

HEB GROCERY COMPANY, L.P.; U.S. Security Associates, Inc.; Universal Protection
Service, L.P. D/B/A Universal Protection Service; and G.T. Sirizzotti, Ltd.,
Appellees

From the 37th Judicial District Court, Bexar County, Texas
Trial Court No. 2016-CI-08748
Honorable Solomon Casseb, III, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: November 15, 2017

PETITION FOR PERMISSIVE APPEAL DENIED; DISMISSED

Debra Barrientos filed a petition for permissive appeal, seeking review of the trial court's order dismissing her wrongful death claims against three of the four defendants in the underlying suit. Appellees did not file a response. Having considered the petition, we conclude Barrientos has not demonstrated the trial court's order is appropriate for a permissive appeal. *See* TEX. R. CIV. P. 51.014(d) (West Supp. 2017); TEX. R. APP. P. 28.3. Accordingly, we deny the petition for permissive appeal. *See* R. 28.3.

Before filing the petition for permissive appeal, Barrientos filed a notice of appeal for an agreed permissive appeal under Texas Rule of Appellate Procedure 28.2. *See id.* R. 28.2. However, “Rule 28.2 applies only to appeals in cases that were filed in the trial court before September 1, 2011.” *Id.* R. 28 cmt. Because the underlying suit was filed in the trial court in 2016, Barrientos’s notice of appeal under Rule 28.2 does not invoke this court’s jurisdiction. *See id.* We dismiss this appeal for want of jurisdiction.

PER CURIAM