



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00477-CV

SHARON CHISM, Appellant

v.

ARLINGTON OAKS /SANDALWOOD MANAGEMENT AND TARRANT
ROOFING, Appellees

On Appeal from County Court at Law No. 3
Tarrant County, Texas
Trial Court No. 2022-001687-3

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

This appeal has been pending since November 30, 2022, when pro se Appellant Sharon Chism filed her late notice of appeal. On December 2, 2022, we informed Chism that her notice of appeal was untimely and requested a response explaining the delay. Chism did not respond, so on January 26, 2023, we again notified her of the issue regarding her late notice of appeal and requested that she respond to explain the delay by February 6, 2023. On April 5, 2023—after Chism had filed various nonconforming responses and also two motions to extend her response deadline—we informed Chism that her appeal would continue.¹

After we received word that there was no reporter's record in this case, we informed Chism on May 12, 2023, that her appellant's brief was due on June 12, 2023. Chism proceeded to file four motions to extend that deadline, all of which we granted. With the fourth extension, we informed Chism that her brief was due on November 20, 2023, and that no further extensions would be granted. On November 7, 2023, Chism asked for another extension, explaining that she had hired an attorney who would need additional time to prepare her brief. We denied this

¹Through her various filings, Chism explained that her notice of appeal and response to our January 26, 2023 letter had been untimely due to a miscalculation of days following the final judgment in the trial court, the deadlines falling during the holidays, her father's health issues, and the fact that she had recently been physically assaulted.

extension request but informed Chism to have her attorney move for another extension if it was needed.

Chism (still proceeding pro se) then filed her appellant's brief on November 27, 2023.² On December 21, 2023, we informed Chism that her brief did not comply with the Texas Rules of Appellate Procedure and local rules in that it did not contain a list of the parties and counsel, a table of contents, an index of authorities, a statement of the case, a statement regarding oral argument, the issues presented, a statement of facts with record references, a summary of the argument, a clear and concise argument with citations to legal authorities and the record, a prayer, an appendix, a front cover, and a certificate of compliance. *See* Tex. R. App. P. 38.1. We requested that Chism file an amended brief that complied with these rules by January 2, 2024, and informed her that failing to do so could result in her brief being stricken and her appeal being dismissed.

Chism then filed two motions to extend the deadline for her amended brief and explained that she had been in the process of moving and had lacked access to the internet and electricity as necessary for filing her brief. We granted both motions, extended her deadline to February 29, 2024, and informed her that further extensions would be strongly disfavored. Chism never filed an amended brief.

²Due to some technical difficulties in filing and receiving Chism's brief, we granted her leave to file her untimely brief.

An appellate court has the authority—on its own initiative and after giving ten days’ notice—to dismiss an appeal for want of prosecution or because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the appellate court clerk requiring a response or other action within a specified time. *See* Tex. R. App. P. 42.3(b), (c); *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.). Chism has failed to comply with the appellate rules and to respond to the directives of this court’s clerk regarding the filing of her amended brief. *See* Tex. R. app. P. 42.3(c). For these reasons, we dismiss this appeal for want of prosecution and because Chism failed to comply with the appellate rules and directives of the clerk. *See id.*; *In re A.A.A.*, No. 13-19-00260-CV, 2020 WL 7063690, at *1 (Tex. App.—Corpus Christi—Edinburg Dec. 3, 2020, no pet.) (mem. op.).

/s/ Brian Walker

Brian Walker
Justice

Delivered: April 25, 2024