



NUMBER 13-21-00212-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

RAYMOND TRENT PETEREK,

Appellant,

v.

MELISSA JEAN ALLISON,

Appellee.

**On appeal from the County Court at Law
of Aransas County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Longoria, and Tijerina
Memorandum Opinion by Justice Longoria**

Appellant, Raymond Trent Peterek, attempted to perfect an appeal from an order entered by the County Court at Law of Aransas County, Texas, in cause number A-15-7029-FL. We dismiss the appeal for want of jurisdiction.

I. BACKGROUND

On February 22, 2021, the trial court signed an order granting a motion to set aside judgment nunc pro tunc. On July 7, 2021, appellant filed a notice of appeal. The Clerk of the Court notified appellant the appeal was not timely filed, and appellant responded within his docketing statement that he had not received the order until April 1, 2021 and that it had not been mailed until March 29, 2021. Other than notations on the docketing statement, appellant did not address or otherwise cure the untimely notice of appeal.

II. ANALYSIS

When a party adversely affected by the judgment does not receive notice within twenty days of judgment, the period for filing the appeal begins to run from the date the party received notice, provided no more than ninety days have elapsed since the signing of the judgment or other appealable order. See TEX. R. CIV. P. 306a(4); TEX. R. APP. P. 4.2(a)(1).

However, regardless of the delay in receiving the appealable order, appellant's notice of appeal was still untimely as it was filed more than five months after the date appellant states he received notice of the appealable order, and appellant did not provide a reason for the untimeliness of his notice of appeal. See TEX. R. CIV. P. 306a(4); TEX. R. APP. P. 26.1.

III. CONCLUSION

The Court, having examined and fully considered the documents on file, and appellant's failure to timely perfect his appeal, is of the opinion the appeal should be

dismissed for want of jurisdiction. Accordingly, the appeal is hereby dismissed for want of jurisdiction. See TEX. R. APP. P. 42.3(a)(c).

NORA L. LONGORIA
Justice

Delivered and filed on the
23rd day of September, 2021.