

**NO. 12-08-00409-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

|                              |   |                              |
|------------------------------|---|------------------------------|
| <i>IN THE INTEREST OF</i>    | § | <i>APPEAL FROM THE 321ST</i> |
| <i>S.S., T.S., AND K.S.,</i> | § | <i>DISTRICT COURT OF</i>     |
| <i>MINOR CHILDREN</i>        | § | <i>SMITH COUNTY, TEXAS</i>   |

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction pursuant to Texas Rule of Appellate Procedure 42.3(a). The trial court's judgment terminating Appellant's parental rights was signed on July 24, 2008. The procedures for an accelerated appeal apply to an appeal in which the termination of the parent-child relationship is in issue. TEX. FAM. CODE ANN. § 109.002(a) (Vernon 2002). Under rule of appellate procedure 26.1(b), the notice of appeal in an accelerated appeal must be filed within twenty days after the judgment or other order is signed, i.e., August 13, 2008.

Appellant filed a notice of appeal on October 9, 2008. Because the notice of appeal was not filed on or before August 13, 2008, it is untimely. Appellant also filed a motion for new trial. To be considered timely, Appellant's motion for new trial must have been filed on or before August 13, 2008. *See* TEX. R. CIV. P. 329b(a) (motion for new trial must be filed within thirty days after judgment or other order complained of is signed). Because it was not, the motion for new trial was untimely. *See* TEX. R. APP. P. 26.1(a). In this case, however, the timeliness of Appellant's motion for new trial is irrelevant, because a motion for new trial does not extend the time to perfect an accelerated appeal. *See* TEX. R. APP. P. 28.1. Appellant did not file a motion for extension of time to file the notice of appeal as permitted by Texas Rule of Appellate Procedure

26.3. Because the notice of appeal was not filed on or before August 13, 2008 and Appellant's time for filing the notice had not been extended, this court has no jurisdiction to consider the appeal.

On October 10, 2008, this court notified Appellant pursuant to Texas Rule of Appellate Procedure 42.3(a) that his notice of appeal was untimely. Appellant was further informed that unless the record was amended on or before October 20, 2008 to establish the jurisdiction of this court, the appeal would be dismissed. To date, Appellant has neither responded to our October 10, 2008 notice nor shown the jurisdiction of this court.

Because this court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered October 22, 2008.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)