

NOT DESIGNATED FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

08-1392

STATE OF LOUISIANA, EX REL. B.J.P., T.M.P., AND G.M.M.

**APPEAL FROM THE
THIRTIETH JUDICIAL DISTRICT COURT
PARISH OF VERNON, NO. 3081172, DIV. C
HONORABLE LESTER P. KEES, DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed of Sylvia R. Cooks, J. David Painter, and James T. Genovese,
Judges.

APPEAL DISMISSED.

**Elvin Clemence Fontenot, Jr.
Attorney at Law
110 East Texas Street
Leesville, LA 71446
(337) 239-2684
COUNSEL FOR APPELLANTS:
B.A.N.
D.L.N.**

**Jack L. Simms, Jr.
Attorney at Law
Post Office Box 1554
Leesville, LA 71446
(337) 238-9393
COUNSEL FOR APPELLEE:
A.R.P.**

Guy Roger Smith
Attorney at Law
300 South 1st St.
Leesville, LA 71446
(337) 238-3558
COUNSEL FOR APPELLEE:
J.R.P.

David James Klann
Attorney at Law
607 South 5th Street
Leesville, LA 71446
(337) 239-6709
COUNSEL FOR APPELLEES:
B.J.P.
T.M.P.
G.M.M.

S. Christie Smith, IV
The Smith Law Firm
Post Office Drawer 1528
Leesville, LA 71496-1528
(337) 239-2244
COUNSEL FOR APPELLEE:
G.M.M.

Tammy Lloid
LA Dept. Of Social Services
Office of Community Services
Post Office Box 832
Alexandria, LA 71309
(318) 487-5227
COUNSEL FOR APPELLEE:
Office of Community Services

J.R.P.
ML--048 (1235792)
3001 S. Emily Dr.
Beeville, TX 78102
IN PROPER PERSON

A.R.P.
In Proper Person
1316 Bryan Pl
Seagoville, TX 75159
IN PROPER PERSON

GENOVESE, Judge.

This court issued, *sua sponte*, a rule ordering Appellants, B.A.N. and D.L.N., to show cause, by brief only, why the appeal in this matter should not be dismissed as untimely. Appellants responded to the rule by filing a motion and order to dismiss their appeal. For the reasons given herein, we hereby dismiss the appeal.

This case involves an action for termination of parental rights and for certification for adoption. On August 12, 2008, the trial court issued a judgment, granting domiciliary custody of three minor children, B. J. P., T. M. P., and G. M. M., to Appellants. The judgment also held that the parental rights of the mother, A.R.P., should not be terminated. Appellants, who seek to adopt the children, filed a motion and order for appeal on September 11, 2008. The trial court signed the order granting the appeal on that date.

Louisiana Children's Code Article 332(A) provides, in pertinent part, that "appeals shall be taken within fifteen days from the mailing of notice of the judgment. However, if a timely application for a new trial is made pursuant to Paragraph C, the delay for appeal commences to run from the date of the mailing of notice of denial of the new trial motion." In the case at bar, the judgment was signed on August 12, 2008, and no motion for new trial was filed. As such, the delays for filing a motion and order for appeal expired fifteen days later, on August 27, 2008. However, the record reflects that the motion and order for appeal were not filed into the trial court's record until September 11, 2008. Therefore, we hereby dismiss this appeal as untimely.

APPEAL DISMISSED.

This opinion is **NOT DESIGNATED FOR PUBLICATION.**
Rules 2-16.2 and 2-16.3, Uniform Rules, Courts of Appeal.