

Opinion filed May 3, 2018



In The
Eleventh Court of Appeals

No. 11-18-00108-CV

IN THE INTEREST OF S.P., A CHILD

**On Appeal from the 50th District Court
Baylor County, Texas
Trial Court Cause No. 11211**

MEMORANDUM OPINION

On April 18, 2018, appellate counsel for S.P.'s mother e-filed a notice of appeal relating to the order of termination of parental rights that was signed by the trial court on March 12, 2018. When the appeal was docketed in this court, the clerk of this court notified the parties that it appeared to this court that the notice of appeal was not timely filed, and we requested that Appellant's counsel respond and show grounds to continue the appeal.

Appellant's counsel promptly responded to this court's letter. In the response, he provided documentation showing that, on April 6, Appellant sent an e-mail to Angela Baskerville, the attorney who was appointed to represent Appellant at trial.

Appellant informed Baskerville in that e-mail that she wanted to appeal and asked Baskerville to file an appeal. Later that afternoon, Baskerville responded to Appellant's e-mail and notified Appellant of the following: the trial court had discharged Baskerville as Appellant's counsel; Baskerville did not handle appeals; and Appellant would either need to hire appellate counsel or ask the trial court to appoint appellate counsel. The trial court signed an order on April 11 in which it appointed Earl Griffin Jr. as counsel for Appellant. Griffin indicates that he was not notified of the appointment until April 18, at which time he filed a notice of appeal. Griffin points out that the statutory right of indigent parents to counsel continues until all appeals have been exhausted. *See In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016).

The documents on file in this appeal show that, on March 12, 2018, the trial court signed an order of termination that was a final, appealable order. The notice of appeal was therefore due to be filed on Monday, April 2, 2018. *See* TEX. R. APP. P. 26.1(b) (providing that, in an accelerated appeal, the notice of appeal, must be filed within twenty days after the date the order was signed); *see also* TEX. R. APP. P. 4.1(a) (computing time when due date falls on the weekend). Appellant did not file her notice of appeal until April 18—after the deadline and also after the time in which this court would be authorized to grant a fifteen-day extension. *See* TEX. R. APP. P. 26.3. We are prohibited from suspending the Rules of Appellate Procedure “to alter the time for perfecting an appeal in a civil case.” TEX. R. APP. P. 2. Absent a timely notice of appeal, this court is without jurisdiction to consider this appeal. *See Wilkins v. Methodist Health Care Sys.*, 160 S.W.3d 559, 564 (Tex. 2005); *Garza v. Hibernia Nat'l Bank*, 227 S.W.3d 233, 233–34 (Tex. App.—Houston [1st Dist.] 2007, no pet.); *see also Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Although we agree with Appellant that her constitutional rights were affected by the termination order and that she had a statutory right to counsel as set forth in *P.M.*, we conclude

that we have no jurisdiction to proceed with this appeal. Because we are without jurisdiction, we must dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

This appeal is dismissed for want of jurisdiction.

PER CURIAM

May 3, 2018

Panel consists of: Willson, J.,
Bailey, J., and Wright, S.C.J.¹

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.