

DISMISS and Opinion Filed September 15, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-01014-CV

IN THE INTEREST OF M.H., A CHILD

**On Appeal from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. 13-11476-Z**

MEMORANDUM OPINION

Before Justices Bridges, Lang, and Evans
Opinion by Justice Evans

In a letter dated August 13, 2014, the Court questioned its jurisdiction over this appeal. Specifically, it appears the notice of appeal is untimely. We instructed appellant to file a jurisdictional brief explaining how this Court has jurisdiction and gave appellee an opportunity to file a responsive brief. Appellant filed a jurisdictional brief on August 22, 2014. Because a portion of appellant's brief was illegible, we gave her an opportunity to file a fully legible brief. Appellant filed a second brief on September 10, 2014. This second brief is fully legible. Appellee did not file a response.

An appeal in a parental termination case is governed by the rules of appellate procedure for accelerated appeals. *See* TEX. R. APP. P. 28.4(a)(1). In an accelerated appeal, the notice of appeal must be filed within twenty days after the date the judgment is signed. *See* TEX. R. APP. P. 26.1(b). Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b). This is not a mere technicality because a court that lacks jurisdiction does not

have the judicial power to decide the case before it. *In re Allcat Claims Serv., L.P.*, 356 S.W.3d 455, 474 (Tex. 2011).

The trial court signed the decree of termination on June 12, 2014. Accordingly, the notice of appeal was due by July 2, 2014. Appellant filed her notice of appeal on August 5, 2014, thirty-four days past the deadline. Although appellant filed a jurisdictional brief, she failed to address the untimeliness of her notice of appeal.

Because appellant failed to timely file her notice of appeal, this Court lacks jurisdiction over the appeal. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

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/David Evans/

DAVID EVANS
JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

IN THE INTEREST OF M.H., A CHILD

No. 05-14-01014-CV

On Appeal from the 256th Judicial District
Court, Dallas County, Texas.

Trial Court Cause No. 13-11476-Z.

Opinion delivered by Justice Evans.

Justices Bridges and Lang, participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee the Texas Department of Family and Protective Services recover its costs of this appeal from appellant ShaQuita Hunt.

Judgment entered this 15th day of September, 2014.