

**Dismissed and Opinion Filed December 21, 2017.**



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

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**No. 05-17-00978-CV**

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**KASONDRA BYRD, Appellant  
V.  
GAYLAN WREN, Appellee**

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**On Appeal from the 255th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-17-07877**

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**MEMORANDUM OPINION**

Before Justices Lang, Brown, and Whitehill  
Opinion by Justice Lang

By letter dated September 11, 2017, the Court informed appellant that her notice of appeal was untimely. We informed appellant that her notice of appeal was filed within the fifteen-day grace period and that she could remedy the timeliness problem by filing an extension motion by September 29, 2017. *See* TEX. R. APP. P. 26.3. We cautioned appellant that failure to file an extension motion within the time specified would result in dismissal of her appeal without further notice. As of today's date, appellant has not filed an extension motion.

The trial court signed the judgment on July 14, 2017. Appellant filed a motion for new trial on August 18, 2017. The motion for new trial did not extend the time to file a notice of appeal because it was not filed within thirty days of the date of the judgment. *See* TEX. R. CIV. P. 329b(a). Because the motion for new trial was untimely, the notice of appeal was due on August 14, 2017. *See* TEX. R. APP. P. 4.1(a), 26.1. An extension of time may be granted if an

appellant files a notice of appeal within fifteen days of the deadline and an extension motion. *See* TEX. R. APP. P. 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

Appellant filed her notice of appeal on August 18, 2017, four days late. Because appellant did not timely file her notice of appeal or obtain an extension of time to file her notice of appeal, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Douglas S. Lang/  
DOUGLAS S. LANG  
JUSTICE

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

**JUDGMENT**

KASONDRA BYRD, Appellant

No. 05-17-00978-CV      V.

GAYLAN WREN, Appellee

On Appeal from the 255th Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DF-17-07877.

Opinion delivered by Justice Lang.

Justices Brown and Whitehill participating.

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

It is **ORDERED** that appellee GAYLAN WREN recover his costs of this appeal from appellant KASONDRA BYRD.

Judgment entered this 21st day of December, 2017.