

DISMISS; and Opinion Filed February 5, 2018.



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

No. 05-18-00015-CV

IN THE INTEREST OF A.G. AND V.G., CHILDREN

**On Appeal from the 469th Judicial District Court
Collin County, Texas
Trial Court Cause No. 469-52594-2016**

MEMORANDUM OPINION

Before Justice Bridges, Myers, and Schenck
Opinion by Justice Schenck

Before the Court is appellant's motion to extend time to file the notice of appeal. Generally, a notice of appeal is due within thirty days after the judgment is signed. *See* TEX. R. APP. P. 26.1. However, if a timely motion for new trial is filed, the notice of appeal is due within ninety days of the date the judgment is signed. *Id.* 26.1(a). The deadline may be extended if the notice of appeal is filed within fifteen days of the date it was due and an extension motion providing a reasonable explanation for the delay is filed. *See id.* 10.5(b), 26.3. Without a timely filed notice of appeal, an appellate court lacks jurisdiction. *See* TEX. R. APP. P. 25.1(b).

Here, appellant challenges the trial court's final decree of divorce signed on September 8, 2017. The record before us reflects appellant timely filed a motion for new trial on October 6, 2017. *See* TEX. R. CIV. P. 329b(a). Because the motion for new trial was timely, the notice of appeal was due on December 7, 2017 or, with an extension motion, on December 22, 2017. *See*

TEX. R. APP. P. 26.1(a), 26.3. Appellant, however, did not file his notice of appeal until January 4, 2018.

Because appellant did not timely file his notice of appeal, we deny the motion to extend time to file the notice of appeal and dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/David J. Schenck/

DAVID J. SCHENCK
JUSTICE

180015F.P05



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

JUDGMENT

IN THE INTEREST OF A.G. AND V.G.,
CHILDREN

No. 05-18-00015-CV

On Appeal from the 469th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 469-52594-2016.
Opinion delivered by Justice Schenck.
Justices Bridges and Myers participating.

In accordance with this Court's opinion of this date, we **DISMISS** this appeal.

It is **ORDERED** that appellee Jamie McDonald recover her costs of this appeal, if any, from appellant David Grantham.

Judgment entered this 5th day of February, 2018.