

Dismissed and Opinion Filed August 1, 2023



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-23-00526-CV

FIVE THOUSAND ONE HUNDRED SIX DOLLARS
IN UNITED STATES CURRENCY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-08743

MEMORANDUM OPINION

Before Justices Partida-Kipness, Reichel, and Miskel
Opinion by Justice Partida-Kipness

We questioned our jurisdiction over this appeal because it appeared the notice of appeal was untimely. When a party does not file a timely post-judgment motion extending the appellate timetable, a notice of appeal is due thirty days after the judgment is signed or, with an extension motion, fifteen days after the deadline. *See* TEX. R. APP. P. 26.1, 26.3. Without a timely filed notice of appeal, this Court lacks jurisdiction. *See Brashear v. Victoria Gardens of McKinney, L.L.C.*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh'g) (timely filing of notice of appeal jurisdictional).

The trial court signed the judgment on October 9, 2020. Because appellant did not file a timely post-judgment motion extending the appellate timetable, the notice of appeal was due on November 9, 2020 or, with an extension motion, November 24, 2020. *See* TEX. R. APP. P. 4.1(a), 26.1, 26.3. Appellant filed a notice of appeal on May 24, 2023, more than two years late. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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

JUDGMENT

FIVE THOUSAND ONE HUNDRED
SIX DOLLARS IN UNITED
STATES CURRENCY, Appellant

No. 05-23-00526-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the 44th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-20-08743.
Opinion delivered by Justice Partida-
Kipness. Justices Reichek and Miskel
participating.

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

Judgment entered August 1, 2023