

Motion Denied; Dismissed and Memorandum Opinion filed September 13, 2022.



**In The
Fourteenth Court of Appeals**

NO. 14-22-00582-CV

IN THE MATTER OF Q. B.

**On Appeal from the County Court at Law No. 2 and Probate Court
Brazoria County, Texas
Trial Court Cause No. JV23866**

MEMORANDUM OPINION

This is an appeal from a waiver of jurisdiction and order of transfer to criminal court. *See* Tex. Fam. Code Ann. §§ 54.02, 56.01(c)(1)(A). The order of transfer was signed June 22, 2022. Appellant filed a notice of appeal August 5, 2022.

An appeal from a waiver of jurisdiction and order of transfer to criminal court is accelerated. *See* Tex. Fam. Code Ann. § 56.01(h), (h-1). A notice of appeal in an accelerated case must be filed within twenty days after the judgment is signed. Tex. R. App. P. 26.1(b). The deadline may be extended by fifteen days if,

within that fifteen–day period, appellant files the notice of appeal in the trial court and a motion to extend time in the court of appeals. *See* Tex. R. App. P. 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Unlike in a non-accelerated appeal, a timely-filed motion for new trial does not extend the deadline to file the notice of appeal in an accelerated appeal. *In re K.A.F.*, 160 S.W.3d 923, 926–27 (Tex. 2005).

Appellant’s notice of appeal was due July 12, 2022, but was not filed until August 5, 2022. *See* Tex. R. App. P. 26.1(b). A court of appeals lacks jurisdiction to hear an appeal that was not timely perfected. When the court lacks jurisdiction, it must dismiss the appeal. *See Baker v. Baker*, 469 S.W.3d 269, 272 (Tex. App.—Houston [14th Dist.] 2015, no pet.); *Matter of A.S.*, No. 04-19-00594-CV, 2019 WL 4805391 at *1 (Tex. App.—San Antonio Oct. 2, 2019, no pet.) (per curiam) (mem. op.).

On August 31, 2022, we notified the parties that we would dismiss this appeal for lack of jurisdiction unless a party demonstrated meritorious grounds for retaining the appeal by September 12, 2022. Appellant filed a motion to retain the appeal. The motion does not demonstrate that this court has jurisdiction over this appeal. The motion is denied.

We dismiss the appeal for want of jurisdiction.

PER CURIAM

Panel Consists of Justices Spain, Poissant, and Wilson.