



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-14-00593-CV

**IN THE INTEREST OF A.R.E., a Child**

From the 225th Judicial District Court, Bexar County, Texas  
Trial Court No. 2013-PA-01424  
Honorable Charles E. Montemayor, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Santee Bryan Marion, Justice

Delivered and Filed: September 24, 2014

**DISMISSED FOR LACK OF JURISDICTION**

This is an accelerated appeal of the trial court's order terminating appellant's parental rights. The trial court signed the order on July 3, 2014. Accordingly, appellant's notice of appeal was due to be filed on July 23, 2014. TEX. R. APP. P. 26.1(b). A motion for extension of time to file the notice of appeal was due on August 7, 2014. See TEX. R. APP. P. 26.3. Appellant filed a notice of appeal on August 15, 2014.

A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by Rule 26.1 but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (construing the predecessor to Rule 26). But "once the period

for granting a motion for extension of time under Rule [26.3] has passed, a party can no longer invoke the appellate court's jurisdiction." *Id.*

Because it did not appear to this court that we had jurisdiction to consider this appeal, we ordered appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Appellant's court-appointed attorney filed a written response agreeing that this court lacks appellate jurisdiction over the appeal. Because appellant's notice of appeal was not timely filed, this appeal is dismissed for lack of jurisdiction. *See id.*

PER CURIAM