

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00182-CV

LARRY ALAN FITTS, Appellant

V.

CAROLINE A. FITTS, Appellee

On Appeal from the 260th District Court
Orange County, Texas
Trial Cause No. D180471-D

MEMORANDUM OPINION

On July 17, 2020, we notified the parties that the appellant, Larry Alan Fitts, filed a notice to appeal which, based on the record before us, did not appear to have been timely under the Rules of Appellate Procedure that controls the deadlines for appeals. *See* Tex. R. App. P. 26.1. Caroline A. Fitts, the appellee, did not file a response to our notice.

The record shows the trial court signed the judgment that is the subject of Larry Fitts's appeal on March 24, 2020. Because the record shows that Larry Fitts

filed a timely motion for new trial, his deadline to appeal was extended from the normal appellate period that controls the deadlines to appeal. *See* Tex. R. App. P. 26.1(a). Nonetheless, even with the benefit of the extended deadline triggered by his filing of a timely motion for new trial, the Rules required Larry Fitts to file a notice of appeal no later than June 22, 2020. But the notice in this appeal was not filed until July 16, 2020, so it's late. *Id.*

The notice of appeal that Larry Fitts filed is untimely. Given the length of his delay, the notice he filed also falls outside the period in which we may exercise discretion and grant an extension of time to appeal. *See id.*; *see also* Tex. R. App. P. 26.3.

We conclude the Court lacks jurisdiction over the appeal. For that reason, we dismiss it for lack of jurisdiction.

APPEAL DISMISSED.

PER CURIAM

Submitted on September 2, 2020
Opinion Delivered September 3, 2020

Before Kreger, Horton, and Johnson, JJ.