



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-08-227-CV**

\$2,764.00 CURRENT MONEY  
OF THE UNITED STATES AND  
VARIOUS PERSONAL PROPERTY

APPELLANT

V.

THE STATE OF TEXAS

APPELLEE

-----  
FROM THE 16TH DISTRICT COURT OF DENTON COUNTY  
-----

**MEMORANDUM OPINION<sup>1</sup>**  
-----

David Barela is attempting to appeal a post-answer default judgment of property forfeiture dated April 2, 2007. Barela did not file his notice of appeal until May 28, 2008, over a year after the date of the judgment. Because appellant did not file any motions that would have extended the appellate

---

<sup>1</sup> [See](#) TEX. R. APP. P. 47.4.

deadlines, his notice of appeal was due May 2, 2007.<sup>2</sup> See TEX. R. APP. P. 26.1(a).

On July 1, 2008, we notified appellant of our concern that we might not have jurisdiction over the appeal and informed him that unless he or any party desiring to continue the appeal filed with this court a response on or before July 11, 2008 showing a reasonable explanation for the late filing of the notice of appeal, this appeal would be dismissed for want of jurisdiction. See TEX. R. APP. P. 42.3(a), 44.3. The State filed a motion to dismiss on July 2, 2008. Appellant filed a response indicating that he received timely notice of the judgment but contending that because he was unaware of the appellate deadlines, the appeal should be continued.

The times for filing a notice of appeal are jurisdictional in this court, and absent a timely filed notice of appeal or a timely filed extension request, we must dismiss the appeal. See TEX. R. APP. P. 25.1(b), 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). Because appellant's notice of appeal was

---

<sup>2</sup>[▲](#) Appellant's notice of appeal is also untimely for purposes of a restricted appeal. See TEX. R. APP. P. 26.1(c).

not timely filed, we dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: LIVINGSTON, DAUPHINOT, and HOLMAN, JJ.

DELIVERED: August 21, 2008