



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00349-CV

YASSY HERNANDEZ TERREFORTE, Appellant

v.

IRWING ONIX GONZALEZ, Appellee

On Appeal from the 233rd District Court
Tarrant County, Texas
Trial Court No. 233-708038-21

Before Kerr, Birdwell, and Bassel, JJ.
Memorandum Opinion by Justice Kerr

MEMORANDUM OPINION

Yassy Hernandez Terreforte attempts to appeal from the trial court’s August 2, 2022 “Agreed Final Decree of Divorce.” Because Terreforte did not file a postjudgment motion extending the appellate deadline, her notice of appeal was due September 1, 2022. *See* Tex. R. App. P. 26.1. But Terreforte did not file her notice of appeal until September 2, 2022, making it untimely. *See id.*

On September 6, 2022, we wrote to notify the parties of our concern that we lack jurisdiction over this appeal because the notice of appeal was untimely filed. *See id.* We warned that we could dismiss this appeal for want of jurisdiction unless Terreforte or any party wanting to continue the appeal filed a response by September 16, 2022, showing a reasonable explanation for the late filing of the notice of appeal. *See* Tex. R. App. P. 10.5(b), 26.3(b), 42.3(a), 43.2(f). We have received no response.

The time for filing a notice of appeal is jurisdictional in this court, and without a timely filed notice of appeal or a timely filed extension request, we must dismiss the appeal. *See* Tex. R. App. P. 2, 25.1(b), 26.1, 26.3; *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997). A motion for extension of time is necessarily implied when, as here, an appellant acting in good faith files a notice of appeal beyond the time allowed by Rule 26.1 but within the 15-day period in which the appellant would be entitled to move to extend the filing deadline under Rule 26.3. *See Jones*, 976 S.W.2d at 677; *Verburgt*, 959 S.W.2d at 617; *see also* Tex. R. App. P. 26.1, 26.3. But even when an extension motion is implied, the

appellant still must reasonably explain the need for an extension. *See Jones*, 976 S.W.2d at 677; *Verburgt*, 959 S.W.2d at 617.

Because Terreforte's notice of appeal was untimely and because Terreforte did not provide a reasonable explanation for needing an extension, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a), 43.2(f); *Veritek LLC v. TBI Constr. Servs. LLC*, No. 02-20-00287-CV, 2021 WL 62129, at *1 (Tex. App.—Fort Worth Jan. 7, 2021, no pet.) (mem. op.).

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

Delivered: October 27, 2022