

NO. 07-11-00340-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
DECEMBER 14, 2011

IN THE INTEREST OF S.M.G. AND H.D.W., CHILDREN

FROM THE 251ST DISTRICT COURT OF RANDALL COUNTY;
NO. 59,060-C; HONORABLE JAMES ANDERSON, JUDGE

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

ORDER

In this accelerated appeal, Jerremie Jason Willis appeals an order terminating his parental rights to S.M.G. and H.D.W. The trial court signed the order of termination on July 27, 2011. Mr. Willis filed a notice of appeal on August 12. The clerk's record was filed on October 17, and the reporter's record, on October 18. Mr. Willis' brief was due by November 7, 2011.¹

By motion filed November 9, John Bennett, retained counsel for Mr. Willis, requested an unspecified extension of time to file Mr. Willis' brief. Counsel based his request on a list of nine other cases in which he asserted "briefs or oral arguments were

¹ See Tex. R. App. P. 38.6(a).

due, held or scheduled on the indicated dates in the 30 days preceding this motion.” By order of November 10, we extended the deadline for Mr. Willis’ brief until December 7. The order contained an admonition to counsel that no further extensions would be granted.

On December 6, counsel for Mr. Willis filed a motion entitled “final motion to extend time to file the appellant’s brief,” in which counsel requested until December 27 to file the brief. As the sole ground for the extension, counsel listed nine cases (six overlapping with the list in the November motion) in which a task was “due, held or scheduled” during the thirty days preceding the motion. The motion, like its November counterpart, did not contain a certificate of conference.²

Mr. Willis has not shown good cause for the requested extension. See Tex. Family Code Ann. § 263.405(h) (West 2008) (requiring good cause for such extensions).³ The motion for extension of time until December 27 is denied.

We order attorney John Bennett, as counsel for Mr. Willis, to prepare an appellant’s brief for Mr. Willis complying with the Texas Rules of Appellate Procedure and the Texas Family Code, and to submit the brief for filing so that it is actually received by the clerk of this Court no later than 5:00 p.m. local time on December 22, 2011.

² See Tex. R. App. P. 10.1(a)(5).

³ Although Family Code § 263.405(h) was repealed by Act of May 19, 2011, 82nd Leg., R.S., Ch. 75, §§ 5, 8 & 9, Tex. Gen. Laws 348, 349, final orders rendered prior to September 1, 2011, the effective date of the Act, are governed by the law in effect on the date the order was rendered.

Attorney Bennett's failure to comply with this order may result in an order requiring him to show cause why he should not be held in contempt, or other appropriate sanction.

It is so ordered.

Per Curiam