



**NUMBER 13-17-00067-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**MATTHEW JOHN CASANOVA,**

**Appellant,**

**v.**

**YVETTE MUNOZ WHITAKER,**

**Appellee.**

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**On appeal from the 267th District Court  
of Calhoun County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Contreras, Benavides, and Longoria  
Memorandum Opinion by Justice Contreras**

Appellant, Matthew John Casanova, attempted to perfect an appeal from a judgment entered by the 267th District Court of Calhoun County, Texas, in cause number

14-04-2136.<sup>1</sup> Judgment in this cause was signed on July 1, 2015. Appellant filed a notice of appeal on January 20, 2017.

Texas Rule of Appellate Procedure 26.1 provides that an appeal is perfected when notice of appeal is filed within thirty days after the judgment is signed, unless a motion for new trial is timely filed. TEX. R. APP. P. 26.1(a)(1). Where a timely motion for new trial has been filed, notice of appeal shall be filed within ninety days after the judgment is signed. TEX. R. APP. P. 26.1(a).

Pursuant to Texas Rule of Appellate Procedure 26.1, appellant's notice of appeal was due on August 11, 2015, but was not filed until January 20, 2017. On February 21, 2017, the Clerk of this Court notified appellant of this defect so that steps could be taken to correct the defect, if it could be done. Appellant was advised that, if the defect was not corrected within ten days from the date of receipt of this Court's letter, the appeal would be dismissed. Appellant has responded stating procedural due process rules are meant to protect him and errors have resulted in an unfair decision.

The Court, having examined and fully considered the documents on file and appellant's failure to timely perfect his appeal, is of the opinion that the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a).

DORI CONTRERAS  
Justice

Delivered and filed the  
13<sup>th</sup> day of April, 2017.

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<sup>1</sup> Appellant's notice of appeal fails to comply with Texas Rule of Appellate Procedure 25.1(d)(2) in that it does not state the date of the judgment or order appealed from. See TEX. R. APP. P. 25.1(d)(2).