



**NUMBER 13-19-00563-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

---

---

**LASZLO ELIAS,**

**Appellant,**

**v.**

**TERESA ESPINOSA,**

**Appellee,**

---

**On appeal from the 2nd 25th District Court  
of Gonzales County, Texas.**

---

**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Hinojosa and Tijerina  
Memorandum Opinion by Justice Hinojosa**

Appellant, Laszlo Elias, attempted to perfect an appeal from a judgment entered by the 2nd 25th District Court of Gonzales County, Texas, in cause number 25,927. Judgment in this cause was signed on August 29, 2019. Currently pending before the Court is appellant's motion for extension of time to file notice of appeal. More than ten days have passed since this motion was filed and appellee has not filed a response. See TEX. R. APP. P. 10.3(a). We dismiss the appeal for want of jurisdiction.

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).

A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617-18, 619 (1997) (construing the predecessor to Rule 26). However, appellant must provide a reasonable explanation for the late filing: it is not enough to simply file a notice of appeal. *Id.*; *Woodard v. Higgins*, 140 S.W.3d 462, 462 (Tex. App.—Amarillo 2004, no pet.); *In re B.G.*, 104 S.W.3d 565, 567 (Tex. App.—Waco 2002, no pet.).

Pursuant to Texas Rule of Appellate Procedure 26.1, appellant's notice of appeal was due on September 30, 2019<sup>1</sup>, but was not filed until October 21, 2019. Appellant's motion for leave to file notice of appeal states appellant proceeded pro se and has limited knowledge of the procedural rules, appellant's work schedule prevented him from being at home the thirty days following the judgment, and English is appellant's second language. Appellant is requesting that the Court grant the extension to allow appellant's appeal to proceed. Although appellant has responded with an explanation regarding his

---

<sup>1</sup> Because the thirtieth day fell on a Saturday, appellants had until the following Monday, August 30, 2019 to file the notice of appeal. See TEX. R. APP. P. 4.1.

late filing of the notice of appeal, appellant's notice of appeal was filed beyond the fifteen-day grace period provided by Rule 26.3.

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. Appellant's motion for extension of time to file notice of appeal is hereby DENIED. Accordingly, the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a).

LETICIA HINOJOSA  
Justice

Delivered and filed the  
26th day of November, 2019.