

NO. 12-17-00056-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JEFFREY DEE CLICK,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT AT LAW***

***BARBARA CLICK,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Jeffrey Dee Click filed a motion for rehearing of our March 1, 2017 opinion. We overrule the motion for rehearing, withdraw our opinion and judgment of March 1, 2017, and substitute the following opinion and corresponding judgment in their place.

This appeal is being dismissed for want of jurisdiction. On February 17, 2017, this Court notified Click that the information received in this appeal does not show the jurisdiction of this Court, i.e., there is no timely notice of appeal or timely motion for extension of time to file a notice of appeal. *See* TEX. R. APP. P. 26.1, 26.3, 37.1. Click was further notified that the appeal would be dismissed unless the information was amended on or before March 20, to show the jurisdiction of this Court. *See* TEX. R. APP. P. 42.3. On March 27, Click filed an amended notice of appeal.

According to the record, the trial court dismissed Click's petition for divorce on September 30, 2016. Thus, Click's notice of appeal was due on or before October 31, 2016 if no post-judgment motions were filed, and on or before December 29 in the event Click filed a post-judgment motion. *See* TEX. R. APP. P. 26.1. Click did not file a notice of appeal until February 2, 2017. Accordingly, his appeal is untimely. Because this Court is not authorized to extend the time for perfecting an appeal except as provided by the Texas Rules of Appellate Procedure, the appeal is ***dismissed for want of jurisdiction***. *See* TEX. R. APP. P. 26.1, 26.3, 42.3(a).

Opinion delivered April 28, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 28, 2017

NO. 12-17-00056-CV

JEFFREY DEE CLICK,

Appellant

V.

BARBARA CLICK,

Appellee

Appeal from the County Court at Law
of Smith County, Texas (Tr.Ct.No. 15-1779-E)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.