

**NO. 12-17-00252-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*JUSTIN GLAZE EDMONDS,  
APPELLANT*

§ *APPEAL FROM THE*

*V.*

§ *COUNTY COURT*

*THE STATE OF TEXAS,  
APPELLEE*

§ *TRINITY COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

Appellant, Justin Glaze Edmonds, appeals from the trial court's grant of a protective order. Edmonds filed his brief on November 5, 2017. On November 6, the clerk of this Court notified Edmonds that the brief failed to comply with Texas Rule of Appellate Procedure 38.1(k). Edmonds was directed to provide a supplement to the brief to correct the defect on or before November 13. Edmonds was advised that if no supplement were filed, the brief will be returned and deemed past due, and the case would be presented to the Court for dismissal.

Unless voluminous or impracticable, an appendix to an appellate brief must contain a copy of: (1) the trial court's judgment or other appealable order from which relief is sought; (2) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any; and (3) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based, and the text of any contract or other document that is central to the argument. TEX. R. APP. P. 38.1(k). Edmonds's brief contains no appendix. When, as in this case, a brief does not comply with Rule 38.1, an appellate court may require amendment, supplementation, or redrawing. *See* TEX. R. APP. P. 38.9(a). Failure to take corrective action by an appellant whose brief remains in noncompliance with Rule 38.1 may result in appropriate action by the appellate court, including proceeding as if the offending party failed to timely file a brief. *See id.* If an appellant in a civil case fails to timely file a brief, one

option available to the appellate court is to dismiss the appeal for want of prosecution. TEX. R. APP. P. 38.8(a)(1).

In this case, Edmonds has neither filed a supplemental brief nor responded to the clerk's notice regarding the deficiency. Therefore, we consider Edmonds's brief as untimely filed and *dismiss* the appeal for *want of prosecution*.

Opinion delivered November 22, 2017.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

NOVEMBER 22, 2017

NO. 12-17-00252-CV

**JUSTIN GLAZE EDMONDS,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the County Court  
of Trinity County, Texas (Tr.Ct.No. 1141)

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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 prosecution**; 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.*