

**NO. 12-18-00162-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<i>IN THE INTEREST OF J.D.L.,</i>	§	<i>APPEAL FROM THE 369TH</i>
<i>A CHILD</i>	§	<i>JUDICIAL DISTRICT COURT</i>
	§	<i>ANDERSON COUNTY, TEXAS</i>

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. On May 11, 2018, Appellant Jeremy Laymance filed a motion for new trial with the trial court to challenge a default judgment rendered on June 29, 2017. On June 18, 2018, Appellant filed a notice of appeal with this Court to challenge the trial court’s overruling of his motion for new trial by operation of law. That same day, this Court notified Appellant that his notice of appeal does not show the jurisdiction of this Court, i.e., the order being appealed is not appealable. We informed Appellant that his appeal would be dismissed unless the information was amended on or before July 17 to show this Court’s jurisdiction. On June 29, Appellant filed an amended notice of appeal, which states that the Court has jurisdiction because a final order was rendered on June 29, 2017, a restricted appeal was filed on July 18 and affirmed on December 21, rehearing was denied on January 24, 2018, his petition for review was denied on April 20, and his motion for new trial was filed on May 11 and overruled by operation of law on June 4.<sup>1</sup>

A motion for new trial shall be filed prior to or within thirty days after the judgment is signed. *See* TEX. R. CIV. P. 329b(a). In this case, the trial court signed the judgment on June 29, 2017. As previously noted, Appellant did not file his motion for new trial until several months later; thus, the motion was untimely. *See id.* Moreover, “[u]nless specifically authorized by

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<sup>1</sup> *See In the Interest of J.D.L.*, No. 12-17-00225-CV, 2017 WL 6523183 (Tex. App.—Tyler Dec. 21, 2017, pet. denied) (mem. op.) (appeal from judgment signed on June 29, 2017).

statute, Texas appellate courts only have jurisdiction to review final judgments.” ***Bison Bldg. Materials, Ltd. v. Aldridge***, 422 S.W.3d 582, 585 (Tex. 2012). An appeal from the denial of a motion for new trial does not exist apart from an appeal of the underlying judgment. See ***Cornwell v. Cornwell***, No. 02-17-00105-CV, 2017 WL 6759031, at \*1 (Tex. App.—Fort Worth Dec. 28, 2017, no pet.) (mem. op.); see also ***Fletcher v. Ahrabi***, No. 01-12-00794-CV, 2012 WL 6082915, at \*1 (Tex. App.—Houston [1st Dist.] Dec. 6, 2012, no pet.) (mem. op.); ***Macklin v. Saia Motor Freight Lines, Inc.***, No. 06-12-00038-CV, 2012 WL 1155141, at \*1 (Tex. App.—Texarkana Apr. 6, 2016, no pet.) (mem. op.). Accordingly, because Appellant’s motion for new trial was untimely and the denial of a motion for new trial is not independently appealable, we ***dismiss*** Appellant’s appeal for ***want of jurisdiction***. See TEX. R. APP. P. 42.3(a).

Opinion delivered July 18, 2018.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JULY 18, 2018

NO. 12-18-00162-CV

IN THE INTEREST OF J.D.L., A CHILD,

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Appeal from the 369th District Court  
of Anderson County, Texas (Tr.Ct.No. DCCV17-070-369)

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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 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.*