

NO. 12-20-00225-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN THE MATTER OF THE ESTATE § *APPEAL FROM THE*
OF CHARLES LYNVILLE STOKES, § *COUNTY COURT AT LAW*
DECEASED § *NACOGDOCHES COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c).

On September 23, the Clerk of this Court notified Appellants, Tammie J. Williams and Theresa S. Carney, that the notice of appeal failed to contain the information specifically required by Texas Rule of Appellate Procedure 25.1(d) and Section 51.017(a) of the Texas Civil Practice and Remedies Code.¹ *See* TEX. R. APP. P. 25.1(d) (contents of notice); *see also* TEX. CIV. PRAC. & REM. CODE ANN. § 51.017(a) (West Supp. 2019) (notice of appeal must be served on each court reporter responsible for preparing reporter’s record). The notice warned that, unless Appellants filed a proper notice of appeal on or before October 5, the appeal would be referred to the Court for dismissal. This deadline passed and Appellants have not filed a compliant notice of appeal or otherwise responded to this Court’s September 23 notice.

Because Appellants failed, after notice, to comply with Rule 25.1(d) and Section 51.017(a), the appeal is *dismissed*. *See* TEX. R. APP. P. 42.3(c) (on its own initiative after giving ten days’ notice to all parties, appellate court may dismiss appeal if appeal is subject to dismissal because appellant failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time).

¹ The notice of appeal and docket sheet both contain language attempting to classify this proceeding as an original proceeding. However, a mandamus proceeding is initiated by filing a petition with the appellate court clerk. *See* Tex. R. App. P. 52.1.

Opinion delivered October 14, 2020.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 14, 2020

NO. 12-20-00225-CV

IN THE MATTER OF THE ESTATE OF CHARLES LYNVILLE STOKES, DECEASED

Appeal from the County Court at Law
of Nacogdoches County, Texas (Tr.Ct.No. PB19-13049)

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 the appeal be, and the same is, hereby **dismissed**; 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.