

Dismissed for Want of Jurisdiction and Opinion filed February 3, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-01421-CV

HARVELLA JONES, Appellant

V.

ROBERTA HANNA, Appellee

**On Appeal from the County Civil Court at Law No. 2
Harris County, Texas
Trial Court Cause No. 711,839**

OPINION

This is an attempted appeal from a judgment, signed August 18, 1999. Appellant filed a timely motion for new trial on September 14, 1999. Appellant's notice of appeal was filed December 20, 1999, 34 days past the deadline for filing the notice of appeal.

The notice of appeal must be filed within thirty days after the judgement is signed when appellant has not filed a timely motion for new trial, motion to modify the judgement, motion to reinstate, or a request for findings of fact and conclusions of law. *See* TEX. R. APP. P. 26.1.

When appellant has filed a timely motion for new trial, motion to modify the judgement, motion to reinstate, or a request for findings of fact and conclusions of law, the notice of appeal must be filed within ninety days after the date the judgement is signed. *See* TEX. R. APP. P. 26.1(a).

Appellant's notice of appeal was not filed timely. 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 (1997) (construing the predecessor to rule 26). However, the appellant must offer a reasonable explanation for failing to file the notice of appeal in a timely manner. *See* TEX. R. APP. P. 26.3, 10.5(b)(1)(C); *Verburgt*, 959 S.W.2d at 617-18. Appellant's notice of appeal was not filed within the fifteen-day period provided by rule 26.3.

On January 18, 2000, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a). Appellant's response fails to demonstrate that this Court has jurisdiction to entertain the appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgement rendered and Opinion filed February 3, 2000.

Panel consists of Justices Yates, Fowler, and Edelman.

Do Not Publish – *See* TEX. R. APP. P. 47.3(b).