

Dismissed and Opinion filed July 20, 2000.



In The

**Fourteenth Court of Appeals**

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NO. 14-00-00719-CV

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**JICK L. HILL, Appellant**

**V.**

**MARSHALL B. BROWN, P.C., Appellee**

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**On Appeal from the County Court at Law No. 3  
Harris County, Texas  
Trial Court Cause No. 682,273**

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**O P I N I O N**

This is an attempted appeal from a judgment, signed February 23, 2000. No motion for new trial was filed. Appellant's notice of appeal was filed June 15, 2000.

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

Appellant claimed in his notice of appeal that he did not receive timely notice of the judgment; however, the record does not indicate that appellant followed the procedures outlined in TEX. R. APP. P. 4.2. Accordingly, appellant did not obtain additional time to file post-judgment motions or the notice of appeal.

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 June 28, 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 filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed July 20, 2000.

Panel consists of Justices Fowler, Edelman, and Hudson.

Do Not Publish — TEX. R. APP. P. 47.3(b).