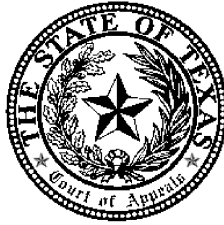


Dismissed and Opinion filed March 21, 2002.



In The  
**Fourteenth Court of Appeals**

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**NO. 14-02-00160-CV**

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**JOYCE P. HIOTT, Appellant**

**V.**

**H.E. BUTT GROCERY CO., Appellee**

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**On Appeal from the County Court at Law No. 3  
Harris County, Texas  
Trial Court Cause No. 724,056**

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**MEMORANDUM OPINION**

This is an attempted appeal from a judgment signed January 25, 2002. Appellant filed a pro se notice of appeal on February 21, 2002. On February 22, 2002, the clerk's record was filed. The record filed with this Court contained only appellant's notice of appeal and an assignment letter from the trial court clerk, which contained a notation that appellant instructed the clerk that she did not "require a transcript to be included with her notice of appeal."

Without a record containing the judgment or order from which an appeal is taken, this Court is unable to verify that it has jurisdiction over the appeal. *See generally* TEX. R. APP.

P. 34.5(a)(5) (requiring clerk's record to include judgment or order being appealed). Appellate courts must determine, even sua sponte, the question of jurisdiction. *New York Underwriters Ins. Co. v. Sanchez*, 799 S.W.2d 677, 678 (Tex. 1990). Generally, a Texas appellate court has jurisdiction to hear an appeal only if it is from a final judgment. *Jack B. Anglin Co. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992). When an appellate court determines it lacks jurisdiction, the appeal must be dismissed. *See Bethurum v. Holland*, 771 S.W.2d 719, 722 (Tex. App.—Amarillo 1989, no writ).

On February 26, 2002, notification was transmitted to all parties of the Court's intent to dismiss the appeal for want of jurisdiction unless appellant filed a response within ten days demonstrating grounds for continuing the appeal. *See* TEX. R. APP. P. 42.3(a). In the notice, the Court informed appellant that the record on file with the Court did not contain a judgment from which the appeal is sought. In appellant's response to the Court's notice, she argued the merits of her case and her damages. She has not advised this Court that she intends to supplement the clerk's record.

Litigants choosing to appear pro se must comply with the applicable procedural rules and are held to the same standards that apply to licensed attorneys. *Sedillo v. Campbell*, 5 S.W.3d 824, 829 (Tex. App.—Houston [14th Dist.] 1999, no pet.). To treat a pro se litigant differently would accord her an unfair advantage over litigants represented by counsel. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184 (Tex. 1978)

In the absence of a clerk's record containing an appealable judgment or any response from appellant demonstrating that this Court has jurisdiction, we have no choice but to dismiss the appeal. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 21, 2002.

Panel consists of Chief Justice Brister and Justices Anderson and Frost.

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