

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00214-CV

IN RE COMMITMENT OF ALONZO MAY

On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 12-12-13065-CV

MEMORANDUM OPINION

In 2013, Alonzo May was committed for sex offender treatment as a sexually violent predator. *See generally In re Commitment of May*, No. 09-13-00513-CV, 2014 WL 6984086, at *3 (Tex. App.—Beaumont Dec. 11, 2014, pet. denied) (mem. op.) (affirming judgment and order of commitment). On June 7, 2017, May filed a *pro se* notice of appeal from an order signed on April 25, 2017, that placed May in a tiered treatment program for sexually violent predators. *See generally* Tex. Health

& Safety Code Ann. § 841.0831 (West 2017). We questioned our jurisdiction over this appeal and May filed a response.¹

Generally, the trial court retains jurisdiction while the commitment order remains in effect and we lack appellate jurisdiction when the trial court modifies a commitment order without ending the court’s supervision of the committed person and without making the otherwise interlocutory order appealable. *In re Commitment of Cortez*, 405 S.W.3d 929, 931 (Tex. App.—Beaumont 2013, no pet.). May has not identified a signed order by the trial court that is appealable at this time. Accordingly, the appeal is dismissed for lack of jurisdiction. *See* Tex. R. App. P. 42.3(a); 43.2(f).

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on July 19, 2017
Opinion Delivered July 20, 2017

Before McKeithen, C.J., Kreger and Horton, JJ.

¹May complains that State Counsel for Offenders has not entered an appearance on his behalf. The statutory right to counsel under Chapter 841 of the Texas Health and Safety Code applies to a trial or hearing conducted under Subchapters D, F, or G. *See In re Terry*, No. 09-16-00208-CV, 2016 WL 4698648, at *1 (Tex. App.—Beaumont Sept. 8, 2016, orig. proceeding) (mem. op.). May is attempting to appeal an order entered under Subchapter E.