

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00287-CV

IN RE COMMITMENT OF JOHN GRAVES

On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 12-05-05201-CV

MEMORANDUM OPINION

John Graves was civilly committed in 2012. *See generally In re Commitment of Graves*, No. 09-13-00141-CV, 2013 WL 6705980, at *1 (Tex. App.—Beaumont Dec. 19, 2013, pet. denied) (mem. op.). On June 15, 2017, the trial court signed a biennial review order that continued the previous order of civil commitment without modification. Graves filed a notice of appeal. We questioned our jurisdiction and asked the parties to file responses regarding whether the appeal was frivolous. The State filed responses but no response has been filed by Graves.

A biennial review order continuing a person’s civil commitment is not an appealable order. *See In re Commitment of Richards*, 395 S.W.3d 905, 908–10 (Tex. App.—Beaumont 2013, pet. denied). Graves has not identified an order that is appealable at this time.

“To determine whether an appeal is objectively frivolous, we review the record from the viewpoint of the advocate and decide whether the advocate had reasonable grounds to believe the case could be reversed.” *Glassman v. Goodfriend*, 347 S.W.3d 772, 782 (Tex. App.—Houston [14th Dist.] 2011, pet. denied). Graves has not presented any authority contrary to *Richards* nor has he presented any argument that *Richards* was wrongly decided and should be overruled. We conclude that the appeal is frivolous. *See* Tex. R. App. P. 45. In the event Graves files a frivolous appeal with this Court in the future, the Court will consider imposing sanctions. *See id.*

The appeal is dismissed for lack of jurisdiction. *See* Tex. R. App. P. 42.3(a); 43.2(f).

APPEAL DISMISSED.

CHARLES KREGER
Justice

Submitted on September 27, 2017
Opinion Delivered September 28, 2017

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