



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-17-00171-CV

IN THE INTEREST OF J.M.,
A CHILD

FROM THE 233RD DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 233-572889-15

MEMORANDUM OPINION¹

Appellant D.M. attempts to appeal from the trial court's February 24, 2017 "Order Holding Respondent in Contempt for Failure to Pay Child Support, Granting Judgment and for Commitment to County Jail." Because his notice of appeal was filed too late, we dismiss this appeal for want of jurisdiction.

¹See Tex. R. App. P. 47.4.

The order complained of includes a criminal contempt judgment and a criminal commitment order. Contempt judgments, including related commitment orders, are not appealable. *In re Office of Attorney Gen. of Tex.*, 215 S.W.3d 913, 915–16 (Tex. App.—Fort Worth 2007, orig. proceeding); *Cadle Co. v. Lobingier*, 50 S.W.3d 662, 671 (Tex. App.—Fort Worth 2001, pets. denied) (en banc op. on reh’g); see also *In re B.W.B.*, No. 02-14-00197-CV, 2014 WL 3696073, at *1 (Tex. App.—Fort Worth July 24, 2014, no pet.) (mem. op.). Had Appellant’s notice of appeal been timely, other portions of the order, such as the child support arrearage judgment, would have been appealable. See *In re E.H.G.*, No. 04-08-00579-CV, 2009 WL 1406246, at *5 (Tex. App.—San Antonio May 20, 2009, no pet.) (mem. op.) (providing that when a motion to enforce seeks both a contempt finding and a child support arrearage judgment, an appellate court has appellate jurisdiction to review the arrearage judgment because it is independent of the contempt order).

The trial court’s judgment was dated February 24, 2017, and no postjudgment motion was filed to extend the appellate deadline; Appellant’s notice of appeal was therefore due by March 27, 2017. See Tex. R. App. P. 26.1. But Appellant did not file his notice of appeal until May 11, 2017, more than a month too late. See *id.* We notified Appellant of our concern that we lack jurisdiction because of his late notice of appeal, and we warned him that this appeal could be dismissed absent a response showing that we have jurisdiction.

Appellant filed a response, but it does not demonstrate that this court has jurisdiction.²

The time for filing a notice of appeal is jurisdictional in this court, and absent a timely-filed notice of appeal or timely-filed motion for extension of time to file a notice of appeal, we must dismiss the appeal. See Tex. R. App. P. 25.1(b), 26.3; *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).

Because Appellant's notice of appeal was filed too late, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: PITTMAN, J.; LIVINGSTON, C.J.; and WALKER, J.

DELIVERED: June 22, 2017

²Appellant also filed a second response contending that the trial court unlawfully ordered that he not receive good-conduct time credit for the time he spends confined in jail. Again, we do not have appellate jurisdiction over complaints regarding contempt and commitment orders. See *Office of Attorney Gen.*, 215 S.W.3d at 915–16; *Cadle Co.*, 50 S.W.3d at 671; see also *In re W.H.*, No. 02-12-00370-CV, 2012 WL 4054874, at *3–4 (Tex. App.—Fort Worth Sept. 17, 2012, orig. proceeding) (holding void those portions of the trial court's commitment orders withholding good-time credit).