

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00293-CV

Johnathan Johnson, Appellant

v.

Hays County District Attorney's Office, Appellee

**FROM THE COUNTY COURT AT LAW NO. 2 OF HAYS COUNTY
NOS. 15-0990-CR, 15-0991-CR & 16-0993-CR
HONORABLE DAVID GLICKLER, JUDGE PRESIDING**

MEMORANDUM OPINION

Johnathan Johnson filed this attempted appeal of the trial court's April 13, 2016 order committing him to a mental health facility for sixty days to attain competency to stand trial in the underlying criminal prosecutions. Such temporary commitment orders are authorized under subchapter D, article 46B.073 of the Texas Code of Criminal Procedure. *See* Tex. Code Crim. Proc. art. 46B.073(b)(1) (authorizing court to order sixty-day commitment to mental health facility toward objective of defendant's attaining competency to stand trial). However as this Court has recognized, the Texas Legislature has not provided for an appeal from a temporary commitment order under subchapter D that is issued after a determination of incompetence but before a more permanent commitment proceeding under subchapter E. *Queen v. State*, 212 S.W.3d 619, 622-23 (Tex. App.—Austin 2006, no pet.).

Accordingly, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App.

P. 43.2(f).

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Bourland

Dismissed for Want of Jurisdiction

Filed: June 17, 2016