

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00479-CR

Adam Reposa, Appellant

v.

The State of Texas, Appellee

**FROM COUNTY COURT AT LAW NO. 5 OF TRAVIS COUNTY
NO. C-1-CR-17-100018, HONORABLE WILLIAM C. KIRKENDALL, JUDGE PRESIDING**

NO. 03-17-00480-CR

Michael Driver, Appellant

v.

The State of Texas, Appellee

**FROM COUNTY COURT AT LAW NO. 5 OF TRAVIS COUNTY
NO. C-1-CR-17-100018, HONORABLE WILLIAM C. KIRKENDALL, JUDGE PRESIDING**

MEMORANDUM OPINION

In the proceedings underlying these appeals, Judge Nancy Hohengarten found Adam Reposa in direct criminal contempt of court for “behavior and statements made [by Reposa] in open court and in the presence of a jury panel and the parties.” Judge Hohengarten ordered the

Travis County District Attorney's Office to prosecute Reposa for contempt, and Judge Paul Davis was appointed to preside over the contempt proceedings.

Reposa subsequently filed a motion to recuse Judge Davis, and Judge William C. Kirkendall was assigned to preside on the motion. Ultimately, Judge Kirkendall denied Reposa's motion to recuse and, upon the State's motion, ordered Reposa and his attorney, Michael Driver, to pay, jointly and severally, \$1,000 in sanctions for filing what Judge Kirkendall considered to be a groundless motion to recuse. *See* Tex. Code Crim. Proc. art. 1.052 (providing that court shall impose appropriate sanction for filing of groundless "pleading, motion, or other paper"). Reposa and Driver now seek to appeal this sanctions order.

In criminal cases, unless expressly authorized by statute, appellate courts only have jurisdiction to review final judgments of conviction. *Abbott v. State*, 271 S.W.3d 694, 696-97 (Tex. Crim. App. 2008) ("The standard for determining jurisdiction is not whether the appeal is precluded by law, but whether the appeal is authorized by law."); *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991) (court of appeals do not have jurisdiction to review interlocutory orders unless that jurisdiction is expressly granted by law); *see* Tex. Code Crim. Proc. art. 44.02 ("A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed . . ."). The sanctions order that is the subject of these appeals is not a final, appealable judgment of conviction, and there is no statute authorizing an interlocutory appeal of a sanctions order. Accordingly, we dismiss these appeals for want of jurisdiction. *See* Tex. R. App. P. 43.2(f).

Scott K. Field, Justice

Before Justices Puryear, Field, and Bourland

Dismissed for Want of Jurisdiction

Filed: August 22, 2017

Do Not Publish