Fourth Court of Appeals
San Antonio, Texas

January 23, 2019

No. 04-19-00001-CV

IN THE COMMITMENT OF STEPHEN PATRICK BLACK,

From the 274th Judicial District Court, Guadalupe County, Texas
Trial Court No. 15-1805-CV
Honorable Gary L. Steel, Judge Presiding

O R D E R

Appellant seeks to appeal an order denying his request to appoint counsel to represent him other than the Office of State Counsel for Offenders. *See* TEX. HEALTH & SAFETY CODE ANN. § 841.005 (providing for appointment of Office of State Counsel for Offenders to represent indigent person in civil commitment procedure unless Office of State Counsel for Offenders is unable to represent the indigent person). Texas appellate courts have jurisdiction over final judgments, and such interlocutory orders as the legislature deems appealable by statute. *See Bison Bldg. Materials, Ltd. v. Aldridge*, 422 S.W.3d 582, 585 (Tex. 2012); *Wise v. SR Dallas, LLC*, 436 S.W.3d 402, 408 (Tex. App.—Dallas 2014, no pet.). Chapter 841 of the Texas Health and Safety Code governing the appellant's civil commitment proceedings does not contain any provision authorizing an appeal from an order denying a motion for other appointed counsel. *But see In re State*, 556 S.W.3d 821, 822 (Tex. 2018) (reviewing order regarding appointment of counsel under chapter 841 in mandamus proceeding); *In re Fields*, 256 S.W.3d 859, 860 (Tex. App.—Beaumont 2008, orig. proceeding) (same).

By order dated January 3, 2019, appellant was ordered to show cause in writing by January 17, 2019, why this appeal should not be dismissed for lack of jurisdiction. By order dated January 16, 2019, the deadline for appellant to respond to this court's January 3, 2019 was extended to February 4, 2019.

On January 18, 2019, appellant filed a motion requesting a copy of the clerk's record and findings of fact and conclusions of law. The trial court did not enter findings of fact and conclusions of law in relation to the order appellant seeks to appeal. Because the issue of this court's jurisdiction can be determined from the trial court's order, appellant's request is GRANTED IN PART. The clerk of the court is directed to provide appellant with a copy of: (1) appellant's motion to appoint counsel filed in the trial court on January 5, 2018; (2) the trial court's order dated December 6, 2018, denying appellant's motion; and (3) appellant's notice of appeal entitled "Notice of Appeal On: Motion to Appoint Counsel" filed in the trial court on December 26, 2018.

Appellant's response to this court's January 3, 2019 order must be filed no later than February 4, 2019.

Sandee Bryan Marion

Sandee Bryan Marion, Chief Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 23rd day of January, 2019.



KEITH E. HOTTLE,
Clerk of Court