

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Commitment of Gerald Wilson

No. 09-12-00408-CV · No. No. 09-12-00408-CV · Decided August 15, 2013

SUMMARY

The Ninth District Court of Appeals of Texas held that it lacked appellate jurisdiction to review a trial court order changing the entity responsible for approving Gerald Wilson's required residence in a sexually-violent-predator proceeding. The court also concluded that Wilson had not demonstrated entitlement to mandamus relief and dismissed the appeal.

CASE DETAILS

|                       |                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Ninth District of Texas at Beaumont                                                                                                                                             |
| WRITING FOR THE COURT | Hollis Horton; McKeithen, C.J.; Gaultney, J.; Horton, J.                                                                                                                                                 |
| JURISDICTION          | Texas                                                                                                                                                                                                    |
| DECIDED               | August 15, 2013                                                                                                                                                                                          |
| DOCKET                | No. 09-12-00408-CV                                                                                                                                                                                       |
| DISPOSITION           | dismissed                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Wilson appealed an order entered in a sexually-violent-predator commitment proceeding that changed the entity responsible for approving where he was required to reside. He also sought mandamus relief. |
| STANDARD OF REVIEW    | The court addressed its appellate jurisdiction and whether Wilson demonstrated entitlement to mandamus relief.                                                                                           |
| PRECEDENTIAL VALUE    | Published memorandum opinion                                                                                                                                                                             |
| PARTIES               | Gerald Wilson                                                                                                                                                                                            |

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

- appellate procedure
- civil procedure
- sexually violent predator commitment
- mandamus

QUESTIONS PRESENTED

1. Whether the court of appeals had appellate jurisdiction to review the trial court's order changing the entity responsible for approving Wilson's residence.
2. Whether Wilson demonstrated entitlement to mandamus relief concerning the issues raised in his brief.

#### **HOLDINGS**

1. The trial court's order changing the entity that approves where Wilson is required to reside is not appealable, so the court of appeals lacked appellate jurisdiction to review it.
2. Wilson did not demonstrate that he was entitled to mandamus relief.

#### **KEY QUOTATIONS**

*“We conclude that the trial court’s order is not appealable, and we also conclude that mandamus relief on the issues Wilson raises is not warranted.”*

*“Accordingly, we dismiss the appeal for lack of jurisdiction.”*

#### **FACTUAL BACKGROUND**

Wilson was subject to a sexually-violent-predator commitment proceeding. The trial court entered an order changing the entity that approved where Wilson was required to reside, and Wilson challenged that order on appeal and through a request for mandamus relief.

#### **PROCEDURAL HISTORY**

The 435th District Court of Montgomery County entered the challenged order on July 26, 2012. Wilson appealed to the Ninth District Court of Appeals and raised issues that he also asserted warranted mandamus relief; the appellate court dismissed the appeal for lack of jurisdiction and denied mandamus relief.

#### **DISPOSITION**

dismissed

#### **CASES CITED**

- In re Commitment of Cortez, No. 09-12-00385-CV, 2013 WL 3270613 (Tex. App.—Beaumont June 27, 2013, no pet. h.)

#### **OPINION**

in Re Commitment of Gerald Wilson

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont \_\_\_\_\_

NO. 09-12-00408-CV

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IN RE COMMITMENT OF GERALD WILSON

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On Appeal

from the 435th District Court Montgomery County, Texas Trial Cause No. 07-02-02127 CV

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#### MEMORANDUM OPINION

In an appeal from an order entered in a sexually-violent-predator proceeding, we are asked to address whether we possess appellate jurisdiction over an order changing the entity that approves where Gerald Wilson is required to reside. We conclude that the trial court's order is not appealable, and we also conclude that mandamus relief on the issues Wilson raises is not warranted. Accordingly, we dismiss the appeal for lack of jurisdiction. Recently, in *In re Commitment of Cortez*, we addressed the same issues as set forth in Wilson's brief and concluded that we did not have appellate jurisdiction <sup>1</sup> over his issues. No. 09-12-00385-CV, 2013 WL 3270613, at \*2 (Tex. App.— Beaumont June 27, 2013, no pet. h.). We also considered whether Cortez raised issues entitling him to mandamus relief. See *id.* at \*\*2-6. For the same reasons stated in Cortez, we conclude that we lack appellate jurisdiction to review the trial court's order dated July 26, 2012, and that Wilson has not demonstrated that he should receive mandamus relief. Accordingly, we dismiss Wilson's appeal. APPEAL DISMISSED.

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HOLLIS HORTON

Justice Submitted on July 10, 2013 Opinion Delivered August 15, 2013 Before McKeithen, C.J., Gaultney and Horton, JJ. 2