

## Juvenile Law Case Summaries

By

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***Defense attorney cannot appeal adjudication of direct contempt; must use habeas [White v. State] (02-2-05).***

On March 7, 2002, the Fourteenth Court of Appeals held that a juvenile's attorney, who was held in direct contempt of court for her conduct during a detention hearing, cannot challenge that ruling by appeal but must instead use habeas corpus.

02-2-05. White v. State, UNPUBLISHED, No. 14-02-00090-CV, 2002 WL 370220, 2002 Tex.App.Lexis \_\_\_\_ (Tex.App.-Houston [14th Dist.] 3/7/02) [Texas Juvenile Law (5th Edition 2000)].

Facts: On November 30, 2001, the trial court found appellant guilty of contempt for "disobeying a direct order of the Court by repeatedly arguing with the Court's ruling and by disobeying the Court's direct order that she refrain from a specific line of questioning the Court had deemed irrelevant during a juvenile detention hearing held on May 15, 2001." The trial court fined appellant \$100.00 and ordered her placed in the Brazoria County Jail for a period of one (1) day, with credit for time previously served. The trial court ordered the jail sentence and fine suspended and, in lieu thereof, ordered appellant to complete 20 hours of community service at a Brazoria County facility serving juveniles. The service was ordered completed on or before 120 days from the date of the order of contempt. That same day, the trial court granted appellant's request to stay the judgment of contempt pending the determination of any petition for writ of habeas corpus filed by appellant. On November 30, 2001, instead of filing a writ of habeas corpus, appellant filed a notice of appeal in an apparent attempt to appeal the imposition of contempt judgments.

Held: Appeal dismissed.

Opinion Text: Decisions in contempt proceedings are not appealable. McCoy v. McCoy, 908 S.W.2d 42, 43 (Tex.App.-Houston [1st Dist.] 1995, no writ) (citing Ex parte Williams, 690 S.W.2d 243, 243 n. 1 (Tex.1985); Metzger v. Sebek, 892 S.W.2d 20, 54 (Tex.App.-Houston [1st Dist.] 1994, writ denied)). The validity of a contempt order can only be attacked by writ of habeas corpus. McCoy, 908 S.W.2d at 43 (citing Metzger, 892 S.W.2d at 54).

Appellant has not applied for a writ of habeas corpus; rather, she has attempted to appeal from the contempt proceedings below. Considering the above authorities, we hold we have no jurisdiction to hear appellant's appeal from the judgment of contempt.

Accordingly, the appeal is ordered dismissed.

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