

**Dismissed and Opinion filed May 10, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NOS. 14-01-00387-CR &  
14-01-00388-CR**  
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**TOMMY HORNE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 248th District Court  
Harris County, Texas  
Trial Court Cause Nos. 868,180 & 868,179**

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**MEMORANDUM OPINION**

This is an attempted appeal from an order of contempt. We dismiss for want of jurisdiction.

During the capital murder trial of Derrick Porter, appellant was called to the witness stand to testify. The trial court ordered appellant to take the oath, but he refused. The trial court then ordered appellant to answer questions in a hearing outside the presence of the jury; appellant again refused. After finding the Fifth Amendment inapplicable, the trial

court found appellant in direct contempt and sentenced him to 180 days confinement in the Harris County Jail. Appellant filed a pro se notice of appeal.

Decisions in contempt proceedings are not appealable. *Ex parte Williams*, 690 S.W.2d 243, 243 n.1 (Tex. 1985); *Deramus v. Thornton*, 160 Tex. 494, 333 S.W.2d 824, 827 (1960); *McCoy v. McCoy*, 908 S.W.2d 42, 43 (Tex. App.—Houston [1st Dist.] 1995, no writ). The validity of a contempt order can be attacked only by a writ of habeas corpus. *Id.* Appellant has not applied for relief by writ of habeas corpus, but has instead attempted to appeal from the contempt judgment.

Considering the above authorities, we hold we have no jurisdiction to hear appellant's appeal from the contempt judgment. Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed May 10, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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