MISSOURI COURT OF APPEALS
WESTERN DISTRICT

VICTORIA FRAWLEY,

Respondent,

v.

MATTHEW J. FRAWLEY,

Appellant.

DOCKET NUMBER WD83397 Consolidated with WD83442

Date: August 11, 2020

Appeal from:

Platte County Circuit Court
The Honorable W. Ann Hansbrough, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

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Attorneys:
Matthew J. Frawley, St. Charles Appellant pro se.
Stephanie L. Schutt, Liberty, Craig D. Ritchie, Trang T. Thi Bui, St. Loseph for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

VICTORIA FRAWLEY, Respondent,
v.
MATTHEW J. FRAWLEY, Appellant.

WD83397 (Consolidated with WD83442) **Platte County**

Before Division Three Judges: Gary D. Witt, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

In consolidated appeals, Matthew J. Frawley ("Father") appeals from the modification judgment finding him in contempt of the child support provisions of the judgment dissolving his marriage to Victoria L. Frawley ("Mother"). He contends that the remedy of contempt was not requested in Mother's modification pleadings; the court erred in admitting two exhibits; the evidence was insufficient to support the court's findings concerning his contumacious conduct; and the trial judge erred in not recusing herself. Additionally, Father asserts that the court erred in issuing the warrant of commitment and order for release of bond because he claims it did so without notice and without finding that he had the present ability to purge himself of the contempt.

APPEALS DISMISSED.

Division Three holds:

(1) Father's first notice of appeal was not timely filed and must be dismissed. A civil contempt order is not final until it is enforced. Where, as in this case, the remedy for contempt is imprisonment, the contempt order is not enforced until the circuit court issues a warrant of commitment or the contemnor is actually imprisoned. The court issued the warrant of commitment on October 7, 2019, and the contempt order became final on that date. Pursuant to Rule 81.04(a), the notice of appeal was due no more than ten days later. Father did not file his notice of appeal until December 4, 2019.

(2) Father's second notice of appeal, which he filed on December 27, 2019, after the court granted Mother's request to release Father's $1,800 bond, was also untimely filed and must be dismissed. Mother's request to release Father's bond

was not "executing on a fine," and the court's order releasing the bond did not restart the time for filing an appeal of the contempt order.

Opinion by: Lisa White Hardwick, Judge August 11, 2020

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.