

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE:**

**JODIE KAY JONES, RESPONDENT,**

**v.**

**LLOYD ELTON JONES, JR., APPELLANT.**

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DOCKET NUMBER WD70105

DATE: November 10, 2009

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Appeal From:

BOONE COUNTY CIRCUIT COURT

THE HONORABLE LESLIE MAYBERRY SCHNEIDER, JUDGE

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Appellate Judges:

Division One: Alok Ahuja, P.J., James M. Smart, Jr., and Lisa White Hardwick, JJ.

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Attorneys:

John T. Murray, Columbia, MO, **for appellant.**

Gretchen Yancey, Columbia, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**JODIE KAY JONES, RESPONDENT**

v.

**LLOYD ELTON JONES, JR., APPELLANT**

WD70105

BOONE COUNTY CIRCUIT COURT

Before Division One Judges: Alok Ahuja, P.J., James M. Smart, Jr., and Lisa White Hardwick, JJ.

Lloyd Jones (Father) and Jodie Jones (now Coursey) (Mother) were divorced in January 2008. The dissolution decree included a detailed parenting plan. Five months later, Mother filed a motion for contempt. She alleged that Father was not complying with the terms of their dissolution decree and parenting plan. The circuit court found Father to be in contempt and ordered him incarcerated. Father could purge himself of the contempt by complying with the original decree and additional requirements in the contempt ruling. The court ordered Father to pay Mother's attorneys' fees, court costs, and guardian *ad litem* fees. Father appealed the contempt ruling.

**DISMISSED.**

**Division One holds:** If an order of contempt is not final, this court lacks jurisdiction over the appeal and must dismiss. A contemnor may purge the contempt by complying with the terms of the order. In that case, the case becomes moot and unappealable. Alternatively, the contemnor may appeal the ruling if it has been enforced. A contempt order that has not been enforced by actual commitment, or posting of bond, is interlocutory only and not appealable. In this case, the contempt order has not been enforced, and the parties agree that Father has purged himself of the contempt. Thus, the appeal is premature on both counts and must be dismissed.

Father's request for relief regarding Mother's attorney's fees is not preserved and we see no facial indication of a manifest injustice; thus, we decline to review it, pursuant to Rule 84.13(c).

**Opinion by: James M. Smart, Jr., Judge**

November 10, 2009

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