

**Petition for Writ of Habeas Corpus Granted and Memorandum Opinion filed May 27, 2010.**



**In The**

**Fourteenth Court of Appeals**

**NO. 14-10-00328-CV**

**IN RE SH'DAWN NICOLE SULLIVAN, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF HABEAS CORPUS**

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**MEMORANDUM OPINION**

On April 12, 2010, relator, Sh'Dawn Nicole Sullivan, filed a petition for writ of habeas corpus. *See* TEX. GOV'T CODE ANN. § 22.221(d) (Vernon 2004); *see also* TEX. R. APP. P. 52. A judgment of contempt for (1) failure to deliver D.B. to Houston Hobby Airport, at least two hours before the scheduled departure time of 8:45 p.m. on June 15, 2009, and (2) failure to surrender D.B. to a flight attendant employed by Southwest Airlines who would be flying on Flight Number 677, on June 15, 2009, from Houston Hobby Airport, was entered against relator on April 9, 2010. The trial court ordered relator incarcerated for a period of 150 days. Relator contends the commitment order is void. We agree.

A criminal contempt conviction for violation of a court order requires proof beyond a reasonable doubt of, among other things, a willful intent to violate the order. *Ex parte Chambers*, 898 S.W.2d 257, 259 (Tex. 1995). “[O]ne must have knowledge or notice of

an order which one is charged with violating before a judgment of contempt will obtain.” *Id.* at 261 (citing *Ex parte Conway*, 419 S.W.2d 827, 828 (Tex.1967)).

The order at issue in this case did not provide the date and time relator was required to deliver D.B. to the airport. Rather, it incorporated the date and time noticed in writing by Guy Barnes, real party in interest, to relator. Assuming, but expressly without deciding, that such an order is enforceable by contempt, it could only be so enforced if relator received the written notice incorporated into the order. Otherwise, relator would not have notice of the order she is charged with violating and could not be shown to have willfully intended to violate the order.

The record of the hearing conclusively establishes relator did not receive the written notice of the date and time to deliver D.B. to the airport. We find, therefore, the commitment order is void. *See Ex parte Garcia*, 795 S.W.2d 740, 741 (Tex. 1990). Accordingly, we grant relator’s petition for writ of habeas corpus. We further order relator released from the bond set by this court on April 12, 2010.

PER CURIAM

Petition Granted and Memorandum Opinion filed May 28, 2010.  
Panel consists of Justices Brown, Sullivan, and Christopher.