

NO. 12-13-00273-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
GREGORY LEE WEST, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Relator Gregory Lee West has filed a petition for writ of habeas corpus in which he alleges that he is being illegally detained in the Cherokee County Jail. He alleges that the detention is the result of his being held in contempt for failure to pay child support, but disputes various recitals and findings in the trial court's contempt order. According to West, the contempt order is invalid.

The trial court found West to be in contempt and ordered him confined after a hearing on a motion for enforcement filed by Bethlehem Rose Kincade, the real party in interest. In this original proceeding, West bears the burden of showing he is entitled to habeas relief, which includes providing an adequate record that establishes the invalidity of the contempt order. *See* TEX. R. APP. P. 52.7(a) (requiring certified copies of all relevant documents filed in any underlying proceeding and a properly authenticated transcript of any relevant testimony from any underlying proceeding); *In re Turner*, 177 S.W.3d 284, 288 (Tex. App.—Houston [1st Dist.] 2005, orig. proceeding [habeas denied]). However, West has not furnished a copy of the November 1, 2012¹ order incorporated by reference into the challenged order, and seems to

¹ The challenged order includes a finding that on November 1, 2012, West was held in contempt and sentenced to confinement for 180 days in the Cherokee County Jail “by Order signed on November 1, 2013. . . .”

question whether the prior order was ever signed. Nor has he furnished a copy of the transcript for the enforcement hearing. Therefore, we are unable to assess the merits of his complaints. See *In re Turner*, 177 S.W.3d at 288 (holding that absent record of relevant testimony, court could not conclude that evidence was insufficient to support contempt order). Accordingly, we **deny** West's petition for habeas relief. See TEX. R. APP. P. 52.8(a).

Opinion delivered October 9, 2013.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

Because that date has not occurred, we assume that the correct date November 1, 2012 (the date West was held in contempt).



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 9, 2013

NO. 12-13-00273-CV

IN RE: GREGORY LEE WEST, RELATOR

Appeal from the County Court at Law
of Cherokee County, Texas (Tr.Ct.No. 2011-02-0106)

ON THIS DAY came to be heard the petition for writ of habeas corpus filed by Relator, **GREGORY LEE WEST**, who is the Respondent in Cause No. 2011-02-0106, styled In the Interest of Adalia Samara West and Takoda Jackson West, pending on the docket of the County Court at Law of Cherokee County, Texas. Said petition for writ of habeas corpus having been filed herein on September 4, 2013, and the same having been duly considered, because it is the opinion of this court that a writ of habeas corpus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of habeas corpus be, and the same is here by **denied**.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.