

DENY; and Opinion Filed May 3, 2016.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-00515-CV

IN RE ALEJANDRO HUITRADO-SOTO, Relator

**Original Proceeding from the 254th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-14-01954-R**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Schenck
Opinion by Justice Fillmore

Before the Court is relator's petition for writ of habeas corpus. On the record before the Court, we cannot conclude the relator is entitled to relief. The record filed by relator does not include sufficient proof that relator is currently confined or restrained. *See* TEX. R. APP. P. 52.3(k)(1)(D), 52.7(a). Although the appendix to the petition includes the trial court's order of commitment dated February 29, 2016, which is stamped "IN JAIL," we conclude this does not provide the proof of present confinement required by rule 52.

Moreover, the petition for writ of habeas corpus is not certified as required by the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 52.3(j), does not include a properly authenticated transcript of any relevant testimony from the proceeding at which the relator was held in contempt, *see* TEX. R. APP. P. 52.7(a)(2), and is supported by documents that are not authenticated as required by the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1). Because the record in an original proceeding is assembled by the

parties, this Court strictly enforces the authentication requirements of rule 52 to ensure the integrity of the record. *See In re Butler*, 270 S.W.3d 757, 759 (Tex. App.—Dallas 2008, orig. proceeding) (finding affidavit insufficient to authenticate mandamus record because it did not state affiant had “personal knowledge the copy of the order in the appendix is a correct copy of the original.”).

It is relator’s burden as the party seeking relief to provide the Court with a sufficient record. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding) (concluding relator was not entitled to mandamus relief because it had not provided a reporter’s record from evidentiary hearing or an affidavit that no evidence was presented at hearing). Because he has not done so, we must deny the petition as filed without prejudice to filing a properly supported petition.

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE

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