



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00089-CV

EX PARTE Alfred SMITH

Original Habeas Corpus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Santee Bryan Marion, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: February 19, 2014

PETITION FOR WRIT OF HABEAS CORPUS DENIED

On February 7, 2014, relator Alfred Smith filed an original pro se habeas corpus proceeding. Relator alleges that he has been illegally confined to county jail after being held in contempt for failure to pay previously ordered child support. Relator provides numerous grounds upon which he believes he is entitled to habeas corpus relief and seeks to be released from custody.

However, it is relator's burden to provide this court with a record sufficient to establish his right to habeas corpus relief. *See* TEX. R. APP. P. 52.3(k)(1)(D) (if a writ of habeas corpus is sought, relator must include in the appendix proof that the relator is being restrained); TEX. R. APP. P. 52.7(a)(1)-(2) (a relator must file with the petition: (1) "a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying

¹ This proceeding arises out of Cause No. 2004-CI-16569, styled *Alfred Smith v. Partrena B. Smith*, pending in the 57th Judicial District Court, Bexar County, Texas, the Honorable Nick Catoe Jr. presiding.

proceeding;” and (2) “a properly authenticated transcript of any relevant testimony from any underlying proceeding”); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Relator has failed to provide us with a record to support his claims such as the order complained of, proof of restraint, or the reporter’s record from the hearing. Accordingly, relator’s petition for writ of habeas corpus is denied.

PER CURIAM