



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00315-CV

IN RE CORNELIUS HUDSON

RELATOR

ORIGINAL PROCEEDING

MEMORANDUM OPINION¹

Relator Cornelius Hudson seeks mandamus relief from the trial court's July 25, 2012 contempt judgment, which ordered that Hudson be confined in the Tarrant County jail for sixty days if he did not appear for a deposition on August 6, 2012. Hudson contends in one issue that he requested appointed counsel before the contempt hearing but that the respondent trial judge failed to appoint an attorney to represent him. Real Parties In Interest Major Joe E. Bryant and Shirley Bryant concede that if Hudson is indigent, he had the right to appointed

¹See Tex. R. App. P. 47.1, 52.8(d).

counsel at the contempt hearing. See *Ex parte Gonzales*, 945 S.W.2d 830, 835–37 (Tex. Crim. App. 1997); see also *Ex parte Goodman*, 742 S.W.2d 536, 541 (Tex. App.—Fort Worth 1987, no writ) (requiring court to advise alleged criminal contemnor of right to counsel and right to appointment of counsel if indigent and holding that order issued in violation of right to counsel is void). The parties do not dispute that the trial court did not conduct an indigency hearing before proceeding with the contempt hearing, even though Hudson filed a written request for counsel before the hearing. Thus, the July 25, 2012 contempt judgment is void, and we grant Hudson’s petition for writ of mandamus. We also lift our stay dated August 2, 2012.

ANNE GARDNER
JUSTICE

PANEL: DAUPHINOT, GARDNER, and MCCOY, JJ.

DELIVERED: August 30, 2012