Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio

MEMORANDUM OPINION

No. 04-11-00497-CV

EX PARTE Eric **SIMS**

Original Habeas Corpus Proceeding[1]

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: August 3, 2011

PETITION FOR WRIT OF HABEAS CORPUS DENIED AS MOOT

On July 18, 2011, relator Eric Sims filed a petition for writ of habeas corpus, complaining that he was incarcerated after a hearing on a motion for enforcement of child support at which he was not represented by counsel. On July 21, 2011, this court requested a response from real party in interest and/or the respondent. Then, on July 22, 2011, the trial court signed a conditional release order, releasing relator from custody.

A relator is not entitled to habeas corpus relief unless he was deprived of his liberty without due process of law, or if we conclude the judgment ordering him confined is void. *See In re Alexander*, 243 S.W.3d 822, 824 (Tex. App.—San Antonio 2007, orig. proceeding). The

[1] This proceeding arises out of Cause No. 2000-EM5-04010, *In the Interest of A.P.S.*, pending in the 150th Judicial District Court, Bexar County, Texas, the Honorable Janet Littlejohn presiding. However, the judge presiding over the hearing at issue in this case is the Honorable Jim Rausch, presiding judge of the Child Support Court, Bexar County, Texas.

purpose of a habeas corpus proceeding is not to determine the ultimate guilt or innocence of the relator, but to ascertain if the relator has been unlawfully confined. *Ex parte Gordon*, 584 S.W.2d 686, 688 (Tex. 1979); *Alexander*, 243 S.W.3d at 827. Because relator is no longer confined, we have determined this petition is now moot. Accordingly, relator's petition for writ of habeas corpus is DENIED AS MOOT.

PER CURIAM