



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: JOHNNY GREEN,	§	No. 08-14-00051-CR
RELATOR.	§	ORIGINAL PROCEEDING
	§	ON PETITION FOR WRIT OF
	§	MANDAMUS
	§	

MEMORANDUM OPINION

Relator, Johnny Green, has filed a petition for writ of mandamus against Thomas Wilder, the Tarrant County District Clerk. Relator seeks an order compelling the District Clerk to provide him with a sealed volume of the appellate record which contains the jurors' confidential information. We deny mandamus relief.

To obtain mandamus relief, Relator must establish both that he has no adequate remedy at law to redress his alleged harm, and that what he seeks to compel is a ministerial act not involving a discretionary or judicial decision. *State ex rel. Young v. Sixth Judicial District Court of Appeals at Texarkana*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). A court of appeals has jurisdiction to issue a writ of mandamus against certain judges within its geographic district. TEX.GOV'T CODE ANN. § 22.221(b)(West 2004). A court of appeals also has authority to issue a writ of mandamus if it is necessary to enforce its jurisdiction. *Id.* at § 22.221(a). Thus, we may issue a writ of mandamus to a district clerk only if he or she interferes with the court's jurisdiction. *See id.* at § 22.221(a); *In re Washington*, 7 S.W.3d 181, 182 (Tex.App.--Houston

[1st Dist.] 1999, orig. proceeding).

This Court affirmed Relator's direct appeal from his murder conviction by opinion and judgment issued on November 22, 2013. *See Johnny Green v. State*, 08-11-00317-CR, 2013 WL 6175127 (Tex.App.--El Paso November 22, 2013, no pet.)(not designated for publication). Because the appeal is no longer pending, Relator cannot show that the District Clerk has interfered with the Court's jurisdiction. Consequently, we do not have jurisdiction to grant the requested relief. The petition for writ of mandamus is denied.

February 12, 2014

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rivera, and Rodriguez, JJ.

(Do Not Publish)