

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed April 15, 2010



In The

Fourteenth Court of Appeals

NO. 14-10-00288-CR

IN RE CHARLES LEE GRABLE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On April 2, 2010, relator, Charles Lee Grable, filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. Relator names his former attorney, Dick DeGuerin, and the prosecuting attorney, Terese Buess, as respondents. Relator claims that he entered into a negotiated plea agreement, the terms of which DeGuerin and Buess allegedly did not disclose to the trial court. Relator asserts that DeGuerin and Buess incorrectly informed

the trial court that he had entered in an open plea agreement with no recommendation as to punishment. Relator requests that we compel DeGuerin and Buess to provide the true terms of the plea agreement to the trial court.

A court of appeals has no general writ power over a person—other than a judge of a district or county court—unless issuance of the writ is necessary to enforce the court’s jurisdiction. *See* Tex. Gov’t Code Ann. § 22.221. Neither respondent is a district or county judge. Moreover, relator has not shown that the exercise of our mandamus authority against the respondents is necessary to enforce our jurisdiction. Therefore, we do not have jurisdiction to issue a writ of mandamus against the respondents. .

Accordingly, relator’s petition for writ of mandamus is dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Brown, Sullivan, and Christopher.

Do Not Publish—Tex. R. App. P. 47.2(b).