

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed April 27, 2010



In The

Fourteenth Court of Appeals

NO. 14-10-00334-CR

IN RE JOSEPH BONNER, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On April 13, 2010, relator, Joseph Bonner, 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. In the petition, relator states that he has been trying to purchase the trial record related to his conviction for aggravated robbery.¹ Relator claims his mother has attempted to obtain the record in person from the Harris County District Clerk's Office, but was told the "Documents" did not exist. In response to relator's written request for the record, the Harris County District Clerk's Office cited Section 552.028 of the Texas

¹ This court affirmed relator's conviction for aggravated robbery. *See Bonner v. State*, No. 14-04-00797-CR, 2005 WL 3435417 (Tex. App.—Houston [14th Dist.] Dec. 15, 2005, pet. ref'd) (not designated for publication).

Government Code.² Relator requests that we compel Loren Jackson, Harris County District Clerk, to make the trial record available to him or his family.

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. A court of appeals has no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce its jurisdiction. *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Relator has not shown that a writ of mandamus directed to the district clerk is necessary to enforce our jurisdiction. Therefore, we do not have jurisdiction to issue a writ of mandamus against the district clerk.

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

PER CURIAM

Panel consists of Justices Anderson, Frost, and Seymore.

Do Not Publish—Tex.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

² The portion of section 552.028 cited by the clerk’s office provides with regard to a request for information from an incarcerated individual:

(a) A governmental body is not required to accept or comply with a request for information from:

(1) an individual who is imprisoned or confined in a correctional facility; or

(2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under this chapter.

Tex. Gov’t Code Ann. § 552.028 (Vernon 2004).