

Petition for Writ of Mandamus Denied and Memorandum Opinion filed September 23, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00854-CR

IN RE AHMAD PEYRAVI, Relator

ORIGINAL PROCEEDING
WRIT OF MANDAMUS

MEMORANDUM OPINION

Relator Ahmad Peyravi 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 asserts that he filed a motion for appointment of counsel in connection with a request for post-conviction DNA testing under Chapter 64 of the Texas Code of Criminal Procedure.¹ Relator complains that the respondent, Loren Jackson, the Harris County District Clerk, has not filed his motion and transmitted it to this court.

¹ This court affirmed relator's murder conviction in 2004. *See Peyravi v. State*, No. 14-03-00452-CR, 2004 WL 8434288 (Tex. App.—Houston [14th Dist.] Aug. 17, 2004, pet. ref'd) (not designated for publication).

A court of appeals has no general writ power over a person—other than a judge of a district court or county court—unless issuance of the writ is necessary to enforce the court’s jurisdiction. *See* Tex. Gov’t Code Ann. § 22.221. Therefore, we have no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce its jurisdiction. *See In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). This court has appellate jurisdiction over an appeal from a trial court’s order on post-conviction DNA testing after a timely notice of appeal has been filed. *See* Tex. Code Crim. Proc. art. 64.05. It appears from relator’s petition that the trial court has not issued an order concerning his request for DNA testing, and consequently, no appeal is pending. Therefore, a writ is not necessary to enforce our jurisdiction.

Relator has not established that he is entitled to relief. Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Sullivan.

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