

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
September 30, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00889-CR

IN RE PAUL ROSS, Relator

ORIGINAL PROCEEDING
WRIT OF MANDAMUS

MEMORANDUM OPINION

On September 16, 2010, relator Paul Ross filed a petition for writ of mandamus in this court in which he complains that the Harris County District Clerk has not provided him with copies of the records necessary to pursue post-conviction relief from his final sexual assault conviction. Relator states that in 2009 he entered a guilty plea to sexual assault and was sentenced pursuant to a plea bargain agreement with the State to twelve years in prison.

This court's mandamus jurisdiction is governed by section 22.221 of the Texas Government Code. Section 22.221 expressly limits the mandamus jurisdiction of the courts of appeals to: (1) writs against a district court judge or county court judge in the

court of appeals' district, and (2) writs necessary to enforce the court of appeals' jurisdiction. Tex. Gov't Code Ann. § 22.221.

We have no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce our jurisdiction. *See In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from a final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* Tex. Code Crim. Proc. Ann. art. 11.07; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that article 11.07 provides the exclusive means to challenge a final felony conviction). Relator's request for copies of his records relates to post-conviction relief from an otherwise final felony conviction and does not affect our jurisdiction. Therefore, we have no jurisdiction to grant relief against the district clerk.

Relator's petition reflects that he may have filed a request for copies of his records with the trial court. We also have no authority to issue a writ of mandamus to compel a district court judge to rule on matters related to post-conviction relief from a final conviction. *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

Accordingly, we dismiss relator's petition for writ of mandamus.

PER CURIAM

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

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