

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00136-CV

IN RE RAIMOND GIPSON

Original Proceeding

MEMORANDUM OPINION

Raimond Gipson filed a petition for writ of habeas corpus with this Court. Gipson’s petition alleges that the trial court erred by refusing to rule on Gipson’s *pro se* motion for an appeal bond because Gipson “has appointed counsel and . . . may consult with counsel on filing of any motion.”¹ Because we lack original habeas corpus jurisdiction in criminal cases, we construed Gipson’s petition as a petition for writ of mandamus.

Relator has not demonstrated that he is clearly entitled to mandamus relief from this Court. *See State ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001) (To demonstrate entitlement to a writ of mandamus, a relator

¹ The order of which Gipson complains neither granted nor denied an appeal bond, and is therefore not appealable. *See* Tex. Code Crim. Proc. Ann. art. 44.04(g) (West 2006).

must establish that the trial court failed to perform a ministerial duty, and that relator has no other adequate legal remedy.). Accordingly, we deny relief on the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered May 5, 2011

Before McKeithen, C.J., Gaultney and Kreger, JJ.