



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00331-CV

IN RE JAMES WELDON BURTON, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

September 10, 2015

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Pending before the court is a document filed by James Weldon Burton entitled “Relator’s Request for Randall County District Attorney’s File.” Given the nature of the relief sought, we construe the item as a petition for writ of mandamus. Because it seeks relief beyond our jurisdiction, however, we must deny it.

Burton requests that we “ORDER the Randall County District Attorney to provide and surrender a complete copy of the Randall County District Attorney’s file and all evidence held in Cause No. 16,692-B. . . .” This request is problematic for we generally cannot issue writs of mandamus against anyone other than a judge. TEX. GOV’T CODE ANN. § 22.221 (West 2004). While there is an exception to that limitation, however, it encompasses instances wherein relief is necessary to protect our appellate

jurisdiction. *In re Lagaité*, No. 07-15-00101-CV, 2015 Tex. App. LEXIS 3565, at *1 (Tex. App.—Amarillo April 9, 2015) (orig. proceeding). Before it can be said that we are protecting our appellate jurisdiction, though, there must be an appeal pending wherein the relator is a party. *Id.* Burton’s complaint does not relate to a pending appeal or to our jurisdiction over a pending appeal. Nor do we know of any authority allowing an appellate court to simply direct a district attorney to disclose his records to others. Thus, we have no jurisdiction to require the Randall County District Attorney to provide a complete copy of his file in Cause No. 16,692-B and deny the petition for a writ of mandamus.

Brian Quinn
Chief Justice