



NUMBER 13-09-00582-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: WHITNEY G. RICE

On Petition for Writ of Mandamus

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam¹**

Relator, Whitney G. Rice, filed a pro se petition for writ of mandamus on October 20, 2009, seeking to compel the District Clerk of Nueces County to comply with her ministerial duties and forward documents pertaining to relator's conviction to the Texas

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

Court of Criminal Appeals.² The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that the petition should be denied.

This Court does not have mandamus jurisdiction over district clerks unless it is shown that issuance of the writ is necessary to enforce our jurisdiction. See TEX. GOV'T CODE ANN. § 22.221(a), (b) (Vernon 2004); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.–Houston [1st Dist.] 1999, orig. proceeding); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.–San Antonio 1998, orig. proceeding); see also *In re Nubine*, No. 13-08-507-CV, 2008 Tex. App. LEXIS 6534, at *1 (Tex. App.–Corpus Christi Aug. 27, 2008, orig. proceeding) (per curiam) (mem. op).

Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).
Memorandum Opinion delivered and filed
this the 18th day of November, 2009.

² We note that this petition for writ of mandamus is substantially similar to a petition relator filed on September 25, 2009. See *In re Whitney G. Rice*, No. 13-09-00540-CR, 2009 Tex. App. LEXIS 7671, at *1 (Tex. App.–Corpus Christi Sept. 30, 2009, orig. proceeding) (memo op. per curiam, not designated for publication).