



NUMBERS 13-10-00067-CR & 13-10-00068-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: ADAN PEREZ, JR.

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Benavides
Memorandum Opinion Per Curiam¹**

Relator, Adan Perez, Jr., pro se, filed a petition for writ of mandamus in the above causes on February 16, 2010, through which he complained that the trial court has not allowed him to purchase the reporter's record and other documents or records pertaining to relator's 1990 conviction for murder on a plea of guilty.² The Court requested and

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).

² Relator has previously raised this same issue in other proceedings before the Court. See also *In re Perez*, Nos. 13-09-00634-CR & 13-09-00635-CR, 2009 Tex. App. LEXIS 9254, at *1-2 (Tex. App.—Corpus Christi Dec. 1, 2009) (orig. proceeding) (per curiam) (not designated for publication); *In re Perez*, Nos. 13-09-00525-CR & 13-09-00526-CR, 2009 Tex. App. LEXIS 7454, at *1-2 (Tex. App.—Corpus Christi Sept. 22, 2009) (orig. proceeding) (per curiam) (not designated for publication).

received a response to the petition for writ of mandamus from the real party in interest, the State of Texas by and through the District Attorney in and for Nueces County, Texas. According to the response filed by the real party in interest, the records at issue were never prepared, and the time periods for retaining said records have expired. See Tex. Gov't Code Ann. § 52.046(a)(4) (Vernon 2005); Tex. R. App. P. 13.6.

A writ of mandamus will not issue if it would be useless or unavailing, or if the ultimate object sought to be accomplished is impossible of attainment. See *Holcombe v. Fowler*, 118 Tex. 42, 9 S.W.2d 1028 (1928); *A American Stamp & Novelty Mfg. Co. v. Wettman*, 658 S.W.2d 241, 243 (Tex. App.–Houston [1st Dist.] 1983, no writ). Accordingly, the Court, having examined and fully considered the petition for writ of mandamus and the response thereto, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, the petition for writ of mandamus in the foregoing causes is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Delivered and filed the
12th day of March, 2010.