

NO. 12-13-00036-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
CARLOS R. SONESEN, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Relator, Carlos R. Sonesen, has filed a pro se petition for writ of mandamus, requesting that this court compel the Smith County District Clerk to provide him a free copy of the reporter's record in his criminal case. He states that he seeks the copy for use in preparing a postconviction application for writ of habeas corpus to challenge his felony conviction. Alternatively, he requests that this court direct the trial court to conduct a hearing on his motion to review the reporter's record.

This court, as an intermediate appellate court, has no jurisdiction over postconviction writs of habeas corpus in felony cases. *See* TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2005); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.–Houston [1st Dist.] 2001, orig. proceeding) (recognizing that only the Texas Court of Criminal Appeals has jurisdiction in final postconviction felony proceedings). Therefore, this court also lacks jurisdiction to grant mandamus relief in matters related to a postconviction writ application in felony cases. *See In re McAfee*, 53 S.W.3d at 717-18.

Additionally, even if this court had jurisdiction, an indigent defendant ordinarily is not entitled to a free copy of a reporter's record for purposes of filing a postconviction habeas application. *In re Strickhausen*, 994 S.W.2d 936, 937 (Tex. App.–Houston [1st Dist.] 1999, orig. proceeding). A free record is available for that purpose only if the defendant shows the habeas application is not frivolous and there is a specific need for the trial records that are

sought. *In re Coronado*, 980 S.W.2d 691, 693 (Tex. App.–San Antonio 1998, orig. proceeding).
Relator has not made any such showing here.

Relator's petition for writ of mandamus is ***dismissed for want of jurisdiction.***

Opinion delivered February 13, 2013.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

FEBRUARY 13, 2013

NO. 12-12-00028-CR

CARLOS R. SONESEN,

Relator

v.

HON. KERRY L. RUSSELL,

Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **CARLOS R. SONESEN**, who is the relator in Cause No. 007-0153-09, pending on the docket of the 7th Judicial District Court of Smith County, Texas. Said petition for writ of mandamus having been filed herein on February 6, 2013, and the same having been duly considered, because it is the opinion of this Court that it does not have jurisdiction of the petition, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED FOR WANT OF JURISDICTION**.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.