

Opinion filed December 19, 2014



In The

Eleventh Court of Appeals

No. 11-14-00344-CR

IN RE RICHARD CARL PEPPERS

Original Mandamus Proceeding

MEMORANDUM OPINION

Appearing pro se, Relator, Richard Carl Peppers, a prison inmate, has filed a petition for writ of mandamus. In the mandamus, he names as Respondents the following officials of Ector County: the Honorable Judge Denn Whalen of the 70th District Court, the district clerk, and the court reporter. In his petition, Relator asks this court to direct Respondents to provide him with various documents so that he may pursue an appeal or other proceedings such as a writ of habeas corpus. We dismiss Relator's petition in part for want of jurisdiction and deny his petition in part.

This court has jurisdiction to issue a writ of mandamus against a "judge of a district or county court in the court of appeals district." TEX. GOV'T CODE ANN.

§ 22.221(b)(1) (West 2004). We do not have jurisdiction to issue a writ of mandamus against district clerks or court reporters unless they are interfering with our appellate jurisdiction. *See id.* § 22.221(a), (b); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding) (no jurisdiction over trial court clerk unless necessary to enforce jurisdiction of court of appeals); *Lesikar v. Anthony*, 750 S.W.2d 338, 339 (Tex. App.—Houston [1st Dist.] 1988, orig. proceeding) (holding no jurisdiction over court reporter). Although Relator has filed a direct appeal in our court (Cause No. 11-14-00332-CR¹), the district clerk and the court reporter are not interfering with our jurisdiction in that appeal by failing to supply the appellate record or other documents requested by Relator. No record is due in this court in the direct appeal because Relator’s notice of appeal was not timely filed; thus, pursuant to TEX. R. APP. P. 20.2, Relator is not entitled to a free record in that appeal. Therefore, we do not have jurisdiction to issue a writ of mandamus against either the district clerk or the court reporter for the 70th District Court. Accordingly, we dismiss Relator’s petition in part for want of jurisdiction.

As to Relator’s claims against the trial court, we note that Relator attached no documentation to his petition for writ of mandamus. He has not presented this court with a certified or sworn copy of any motion or order showing the matter complained of as required by TEX. R. APP. P. 52.3. Therefore, we hold that Relator has not presented us with an adequate record to demonstrate that he is entitled to mandamus relief on this ground. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992).

¹We note that, on this same date, we are issuing an opinion and judgment dismissing the direct appeal filed by Relator in our Cause No. 11-14-00332-CR.

We deny Relator's petition for writ of mandamus against the trial court and dismiss for want of jurisdiction Relator's petition for writ of mandamus against the district clerk and the court reporter for the 70th District Court.

PER CURIAM

December 19, 2014

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

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.