

DENY; and Opinion Filed September 19, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-01193-CV

IN RE JAY SANDON COOPER, Relator

**Original Proceeding from the County Court at Law No. 1
Grayson County, Texas
Trial Court Cause No. 2011-2-1391**

MEMORANDUM OPINION

Before Justices O'Neill, Lang, and Brown
Opinion by Justice Brown

Before the Court is relator's petition for writ of mandamus in which he requests that the Court order the trial court to provide him an electronic copy of the clerk's record on cd or via email for his personal use for not more than the cost of the cd. Relator does not contend that he has been denied access to the clerk's record in the manner required under rule 34.5(g) of the Texas Rules of Appellate Procedure. Rather, he contends that it is not reasonable that he be required to access the clerk's record in person during the business hours of the trial court because he lives approximately fifty miles from the courthouse.

To demonstrate entitlement to a writ of mandamus in a criminal case, a relator must establish that (1) the trial court failed to perform a purely ministerial duty, and (2) relator has no other adequate legal remedy. *State ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001). Relator has not met this requirement. The trial court is not

required to provide access to the record in the fashion relator requests and has not violated a ministerial duty.

Accordingly, we **DENY** relator's petition for writ of mandamus.

/Ada Brown/
ADA BROWN
JUSTICE

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