

Opinion issued June 21, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00117-CR

IN RE WILLIAM M. JONES, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator William M. Jones, incarcerated and acting pro se, has filed a petition for writ of mandamus challenging the Texas Attorney General’s refusal to produce records in response to Relator’s request under the Public Information Act for information regarding the “Attorney General’s Crime Victims Program.”^{1, 2}

¹ The underlying case is *The State of Texas v. William M. Jones*, Cause No. 1387546, pending in the 351st District Court of Harris County, Texas, the Honorable Natalia Cornelio presiding.

The Public Information Act authorizes a requestor to file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the “governmental body refuses to supply public information.” *Thomas v. Cornyn*, 71 S.W.3d 473, 481 (Tex. App.—Austin 2002, no pet.) (citing TEX. GOV’T CODE § 552.321).³ The Public Information Act “does not grant original jurisdiction to the courts of appeals to issue such writs.” *Garner v. Gately*, 909 S.W.2d 61, 62 (Tex. App.—Waco 1995, no writ) (citing TEX. GOV’T CODE § 552.321). Rather, a petition for writ of mandamus filed by a requestor under the Public Information Act “must be filed in a district court for the county in which the main offices of the governmental body are located.” TEX. GOV’T CODE § 552.321(b). We thus lack jurisdiction over Petitioner’s petition for writ of mandamus. TEX. GOV’T CODE §§ 552.001–.353.

Relator’s petition also fails to comply with a number of the requirements for original proceeding petitions set forth in the Texas Rules of Appellate Procedure. The petition is not compliant with Texas Rules of Appellate Procedure 52.3(a) (identity of parties and counsel), (b) (table of contents), (c) (index of authorities), and (j) (certification); Rule 9.5 (service); and 52.7(a)(1) (inclusion of sworn

² Relator seeks records that reflect his “proof of compensation” from the “Attorney General’s Crime Victims Program.”

³ Section 552.321 of the Texas Government Code states in pertinent part, “A requestor . . . may file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body . . . refuses to supply public information” TEX. GOV’T CODE § 552.321(a).

record). *See In re Hughes*, 607 S.W.3d 136, 138 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding) (dismissing mandamus without prejudice; noting there was no evidence before court because relator did not certify he had “reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record” and that he failed to attach “a certified or sworn copy of any order complained of, or any other document showing the matter complained of,” or “a certified or sworn copy of every document that is material to the relator’s claim[s] for relief and that was filed in any underlying proceeding.”) (citations omitted).

We deny the petition for writ of mandamus. TEX. R. APP. P. 52.8(a). Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Countiss, and Rivas-Molloy.

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