

**Petition for Writ of Mandamus Dismissed, in Part, and Denied, in Part, and
Memorandum Opinion filed March 24, 2016.**



In The

Fourteenth Court of Appeals

**NO. 14-16-00135-CR
NO. 14-16-00136-CR**

IN RE AVERY LAMARR AYERS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
180th District Court
Harris County, Texas
Trial Court Cause Nos. 1473223 & 1476757**

MEMORANDUM OPINION

On February 23, 2016, relator Avery Lamarr Ayers filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Catherine Evans, presiding judge of the 180th District Court of Harris County, and the Honorable Susan Brown, Administrative Judge-Criminal Division

of Harris County, to provide him a copy of the trial court record and to transfer a copy of the record to this court, where his appeal was pending.

On October 6, 2015, the trial court sentenced relator to five years' confinement in the Institutional Division of the Texas Department of Criminal Justice on relator's plea of guilty to forgery of a financial instrument. Relator, proceeding pro se, filed his notice of appeal on January 25, 2016. The clerk's record was filed in this court on March 1, 2016. This court dismissed relator's appeal because relator's notice of appeal was not filed timely and relator has no right to appeal because the trial court certified that it was a plea bargain case. *See Ayers v. State*, No. 14-16-00106-CR, 2016 WL 929385, at *1 (Tex. App.—Houston [14th Dist.] Mar. 10, 2016, no pet. h.) (not designated for publication).

Relator's request that we compel respondents to transfer a copy of the trial court record to this court is moot. Because relator has no right of appeal, he is not entitled to an order compelling respondents to provide him a copy of the record.

Accordingly, we dismiss relator's petition, in part, as to his request that we compel respondents to transfer the record to this court and we deny the petition, in part, as relator's request that we compel respondents to provide him with a copy of the record.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Wise.
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