

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00804-CR

IN RE Rudy APOLINAR

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L. López, Chief Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: November 12, 2008

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On October 30, 2008, relator Rudy Apolinar filed a petition for writ of mandamus seeking to compel the District Clerk of Bexar County to provide him with a copy of the record from his criminal conviction for use in pursuing post-conviction remedies. This court has no mandamus jurisdiction over a district clerk unless the issuance of the writ is necessary to enforce our jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221(a)-(b) (Vernon 2004); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.—San Antonio 1998, orig. proceeding). Because we have no jurisdiction over post-conviction writs of habeas corpus in felony cases, the district clerk's alleged refusal to provide relator with a copy of his records does not affect our jurisdiction. *In re O'Brian*,

¹ This proceeding arises out of Cause No. 2008-W-0036, styled *State of Texas v. Rudy Apolinar*, in the 144th Judicial District Court, Bexar County, Texas, the Honorable Catherine Torres-Stahl presiding.

No. 04-04-00453-CV, 2004 WL 1562148, *1 (Tex. App.—San Antonio July 14, 2004, orig. proceeding) (mem. op.); *In re Coronado*, 980 S.W.2d at 692; *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2007). Accordingly, relator's petition for writ of mandamus is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH