

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00156-CR

IN RE CARL W. HARTNEY

Original Proceeding

MEMORANDUM OPINION

Carl W. Hartney seeks a writ of mandamus to compel the trial court to provide a free copy of the trial record for the purpose of preparing an application for writ of habeas corpus. The mandamus petition lacks certified or sworn copies of “every document that is material to the relator’s claim for relief[.]” *See* Tex. R. App. P. 52.7(a)(1). Hartney failed to provide proof of service on the respondent and the prosecuting attorney. *See* Tex. R. App. P. 9.5. Furthermore, the petition demonstrates that Hartney is not entitled to mandamus relief because he has not shown that he has a clear and indisputable right to the requested relief. *See*

Eubanks v. Mullin, 909 S.W.2d 574, 577 (Tex. App.—Fort Worth 1995, orig. proceeding) (“We hold that an indigent criminal defendant is not entitled -- either as a matter of equal protection or of due process -- to a free transcription of prior proceedings for use in pursuing post-conviction habeas corpus relief.”).

The relator has not shown that he is entitled to mandamus relief. Accordingly, the petition for writ of mandamus is denied.

PETITION DENIED.

PER CURIAM

Submitted on May 12, 2015
Opinion Delivered May 13, 2015
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.