

NO. 07-03-0372-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
SEPTEMBER 2, 2003

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IN RE L. J. JACKSON,

Relator

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FROM THE 108<sup>TH</sup> DISTRICT COURT OF POTTER COUNTY;  
NO. 30,343-E; HON. ABE LOPEZ, PRESIDING

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***ORIGINAL PROCEEDING IN MANDAMUS***

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Before QUINN and REAVIS, JJ., and BOYD, S.J.<sup>1</sup>

Pending before this court is the petition of L. J. Jackson for a writ of mandamus. Jackson requests that we “issue the . . . writ of mandamus upon the court reporter [for the 108<sup>th</sup> district court of Potter County, Texas] to prepare a new sentencing proceedings record in cause no. 30,343-E . . . .” We deny the application for the reasons which follow.

Jackson represents in his petition that he was convicted in December 1991, of delivering a controlled substance. He now seeks to pursue an out-of-time appeal. To do so purportedly requires changes to the court reporter’s statement of facts that memorialize

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<sup>1</sup>John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. TEX. GOV’T CODE ANN. §75.002(a)(1) (Vernon Supp. 2003).

the sentencing proceedings of his 1991 trial. A writ of mandamus ordering the court reporter to make the desired changes is sought from this court.

Our power to issue a writ of mandamus when the writ is to be directed against a court reporter (or anyone other than a judge) is limited. We may issue such a writ only when necessary to enforce our jurisdiction over a pending appeal. TEX. GOV'T CODE ANN. 22.221(a) (Vernon 1988). And, before it can be said that we are acting to enforce our jurisdiction over a pending appeal, the dispute made the basis of the relator's application for writ must somehow implicate a pending appeal. *Bush v. Vela*, 535 S.W.2d 803, 804 (Tex. Civ. App.--Corpus Christi 1976, orig. proceeding). Since the subject matter of Jackson's request does not involve a pending appeal, we have no jurisdiction to entertain the petition for mandamus.

Accordingly, relator's petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

Per Curiam

