



**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00346-CR

EX PARTE KIMLY RUSHA TERRELL

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2010-627-C2**

MEMORANDUM OPINION

On November 7, 2014, we received a document from Kimly Rusha Terrell related to an earlier appeal styled *Terrell v. State* which was docketed as 10-11-00022-CR. The conviction in 10-11-00022-CR is final. Our mandate issued January 13, 2012.

It is difficult to tell what request Terrell has made and who has acted or failed to act on her request. Based on the nature of the relief requested from this Court, we have determined Terrell's request to be a request for post-conviction relief; that is, a petition for writ of habeas corpus under article 11.07.¹ See TEX. CODE CRIM. PROC. ANN. art. 11.07

¹ In the event this document is meant to be a petition for writ of mandamus to order the trial court or trial court clerk to provide Terrell a free copy of her criminal trial record, Terrell is not entitled to a free copy unless she can show that a post-conviction proceeding is not frivolous and that she has a specific need for

(West 2005). We have no jurisdiction to grant post-conviction relief in an attack on a final felony judgment. *See id.* art 11.05. Accordingly, we dismiss this proceeding for lack of jurisdiction.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Petition dismissed

Opinion delivered and filed December 4, 2014

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the record. *Escobar v. State*, 880 S.W.2d 782, 784 (Tex. App.—Houston [1st Dist.] 1993, order); *see also In re Rodriguez*, No. 10-13-00201-CR, 2013 Tex. App. LEXIS 8662 (Tex. App.—July 11, 2013, no pet.) (not designated for publication). The need for a record from a prior proceeding simply to search for possible post-conviction issues is not enough. *Id.* Based on what Terrell filed here, she has not shown she is entitled to relief by mandamus. Therefore, we would deny her petition if her request was denied by the trial court and dismiss it for lack of jurisdiction if her request was denied by the trial court clerk.