

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-17-00028-CV**

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**In re Kriss Camp**

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**ORIGINAL PROCEEDING FROM TOM GREEN COUNTY**

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**MEMORANDUM OPINION**

Relator Kriss Camp, an inmate in the Texas Department of Criminal Justice, has filed a pro se petition for writ of mandamus asking this Court to compel the trial court to produce the appellate record, consisting of the clerk's records and reporter's records from trial court cause numbers 92001 and 92011, in his appeal of the trial court's denial of an application for writ of habeas corpus that challenged two misdemeanor convictions from 1993. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52.1. On April 12, 2017, a supplemental clerk's record was filed in this Court. With this filing, Relator has obtained the relief he sought in regard to the clerk's records at issue, and his petition is moot.<sup>1</sup>

To the extent that Relator seeks to obtain a free copy of the appellate record, we note that he is not entitled to a free record of the habeas proceeding. An indigent appellant is entitled to obtain a free record for purposes of direct appeal (i.e., his first appeal of right) but not for purposes

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<sup>1</sup> In response to a late record notice, the court reporter informed this Court that no reporter's records exist in these cases because there was no hearing on the application for writ of habeas corpus and no reporter's record was made of the original proceedings. Accordingly, the appellate record is complete. *See* Tex. R. App. P. 34.1.

of collateral attack, such as a writ of habeas corpus. See *In re Trevino*, 79 S.W.3d 794, 796 (Tex. App.—Corpus Christi 2002, no pet.); *In re Strickhausen*, 994 S.W.2d 936, 937 (Tex. App.—Houston [1st Dist.] 1999, no pet.); *In re Coronado*, 980 S.W.2d 691, 693 (Tex. App.—San Antonio 1998, orig. proceeding) (per curiam); *Escobar v. State*, 880 S.W.2d 782, 783 (Tex. App.—Houston [1st Dist.] 1993, no pet.). Neither federal due process nor equal protection requires the State to furnish a free record to an indigent prisoner. See *United States v. MacCollom*, 426 U.S. 317 (1976); *In re Coronado*, 980 S.W.2d at 693; *Escobar*, 880 S.W.2d at 784.

Accordingly, we deny the petition for writ of mandamus.

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Melissa Goodwin, Justice

Before Justices Puryear, Pemberton, and Goodwin

Filed: April 14, 2017