

NO. 12-09-00228-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE: RICHARD HAMELINCK, JR.,
RELATOR*

§

§ *ORIGINAL PROCEEDING*

§

MEMORANDUM OPINION

Relator Richard Hamelinck, Jr. requests a writ of mandamus directing Respondent, the Honorable Kerry L. Russell, Judge of the 7th Judicial District Court, Smith County, Texas, to order the District Clerk of Smith County to furnish him a copy of his “court records” or, alternatively, the cost of these records. Relator alleges that he needs the records to use in a postconviction habeas proceeding.

An indigent criminal defendant who has exhausted his state appeals ordinarily is not entitled to a free record for preparing a postconviction habeas application. *In re Strickhausen*, 994 S.W.2d 936, 937 (Tex. App.–Houston [1st Dist.] 2002, orig. proceeding). A free record is available for that purpose only if the defendant shows that the habeas corpus application is not frivolous and there is a specific need for the trial records that are sought. *In re Coronado*, 980 S.W.2d 691, 693 (Tex. App.–San Antonio 1998, orig. proceeding). Relator has not made any such showing here. Therefore, he has not shown that he is entitled to mandamus relief. Relator’s petition for writ of mandamus is *denied*.

BRIAN HOYLE

Justice

Opinion delivered September 2, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)