

**NO. 12-11-00215-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:*

§

*HENRY OLIVER WENDELL,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

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***MEMORANDUM OPINION  
PER CURIAM***

In this original mandamus proceeding, Relator Henry Oliver Wendell complains that the trial court has refused to provide him a free record for use in preparing an application for writ of habeas corpus to challenge his murder conviction.

An indigent criminal defendant 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*.

Opinion delivered July 29, 2011.

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

(DO NOT PUBLISH)