

**NO. 12-11-00305-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:*

§

*DONALD MARGRAVES,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

---

---

***MEMORANDUM OPINION  
PER CURIAM***

Relator Donald Margraves seeks a writ of mandamus compelling the trial court to furnish him a copy of the indictment and the record from the July 28, 2006 trial in trial court cause number 007-1060-05.<sup>1</sup> We dismiss the petition.

A petition in an original proceeding must state, without argument, the basis of the court's jurisdiction. TEX. R. APP. P. 52.3(e). Relator did not include the required jurisdictional statement in his mandamus petition, nor does he explain his need for the record he requests. We note, however, that after a judgment of conviction becomes final, a request for a free record typically relates to the preparation of a request for postconviction relief from a final felony conviction.

Only the Texas Court of Criminal Appeals has jurisdiction over matters related to postconviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2010); *Bd. of Pardons & Paroles ex rel. Keene v. Eighth Court of Appeals*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that "Article 11.07 provides the exclusive means to challenge a final felony conviction"). We have no jurisdiction in such matters. *See generally* TEX. CRIM. CODE PROC. ANN. art. 11.07 (West Supp. 2010). Here, Relator seeks

---

<sup>1</sup> The respondent is the Honorable Kerry L. Russell, Judge of the 7th Judicial District Court, Smith County, Texas.

postconviction relief, but his petition does not include any allegations from which we can determine that we have jurisdiction to consider the merits of the petition. Accordingly, Relator's petition for writ of mandamus is *dismissed*.

Opinion delivered November 30, 2011.

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

(DO NOT PUBLISH)