



**COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON**

ORDER

Appellate case name: Jo Ann Wilbert v. The State of Texas

Appellate case number: 01-19-00425-CR

Trial court case number: 77530

Trial court: 426th District Court of Bell County

The appellant has filed a motion for requesting pro se access to the appellate record. The Court construes her motion as a request for a free copy of the record.

The Court issued its opinion affirming the appellant's conviction on April 16, 2020. The appellant has not filed a motion for rehearing or en banc reconsideration.

An indigent appellant is entitled to a free copy of the record for purposes of direct appeal—an appeal of right from the judgment of the trial court to the court of appeals. *See* TEX. R. APP. P. 20.2; *In re Bonilla*, 424 S.W.3d 528, 532 (Tex. Crim. App. 2014).

But an indigent petitioner is not entitled to a free copy of the record for purposes of seeking discretionary review in the Court of Criminal Appeals. *See Ex parte Trainer*, 181 S.W.3d 358, 358–59 (Tex. Crim. App. 2005); *In re Sherrill*, No. 01-13-00605-CR, 2013 WL 5236247, at *1 n.1 (Tex. App.—Houston [1st Dist.] Sept. 17, 2013, orig. proceeding) (per curiam) (mem. op.).

Nor is an indigent petitioner entitled to a free copy of the record for purposes of making a collateral attack on her conviction. *See Bonilla*, 424 S.W.3d at 532.

The Court therefore DENIES the appellant's motion for a free copy of the record.*

Judge's signature: /s/ Gordon Goodman
Acting for the Court

Panel consists of: Chief Justice Radack and Justices Kelly and Goodman

Date: June 25, 2020

* The appellant may write to the Bell County District Clerk to request the cost information for a copy of the record.