

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00488-CR

IN RE John Gerald MASS

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 14, 2010

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On June 30, 2010, relator John Gerald Mass filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his motion for an out-of-time appeal. However, only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991) (out-of-time appeal from final felony conviction may be sought by filing a writ of habeas corpus pursuant to article 11.07 of the Texas Code of Criminal Procedure).

¹ This proceeding arises out of Cause No. 2001-CR-4941, styled *State of Texas v. John G. Mass*, in the 227th Judicial District Court, Bexar County, Texas, the Honorable Philip A. Kazen, Jr. presiding.

Accordingly, relator's petition is DISMISSED FOR LACK OF JURISDICTION.

PER CURIAM

DO NOT PUBLISH