



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00130-CR

IN RE Tezelle MOORE

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Irene Rios, Justice

Delivered and Filed: March 29, 2017

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On March 9, 2017, relator Tezelle Moore filed a pro se petition for writ of mandamus. Moore was found guilty of aggravated assault in a criminal proceeding conducted in the 432nd Judicial District Court, Tarrant County, Texas. Relator appealed his conviction, which was affirmed. *Moore v. State*, No. 04-12-00490-CR, 2013 WL 3148650 (Tex. App.—San Antonio June 19, 2013, pet ref'd) (mem. op., not designated for publication).

Intermediate appellate courts in this state have authority to issue writs against judges of district or county courts located in the court of appeals district. TEX. GOV'T CODE ANN. § 22.221(a)-(b) (West 2004). The 432nd Judicial District Court is composed of Tarrant County,

¹ This proceeding arises out of Cause No. 1276457R, styled *State of Texas v. Tezelle Moore*, pending in the 432nd Judicial District Court, Tarrant County, Texas, the Honorable Ruben Gonzalez presiding.

Texas. TEX. GOV'T CODE ANN. § 24.576 (West Supp. 2016). Tarrant County is located in the Second Court of Appeals District. TEX. GOV'T CODE ANN. § 22.201(c) (West 2004).

Relator's appeal on the merits of his conviction was decided in 2013 by this court pursuant to a Texas Supreme Court order transferring the appeal from the Second Court of Appeals to this court. One court of appeals in this state has held that a transfer of an appeal also transfers jurisdiction of a mandamus ancillary to the appeal. *Cole v. Chapman*, 584 S.W.2d 44, (Tex. App.—Dallas 1979, orig. proceeding). However, this original proceeding is not ancillary to Relator's appeal from his conviction.

We conclude this court has no jurisdiction to address relator's petition which concerns a criminal proceeding over which a sister court of appeals would have appellate jurisdiction. Accordingly, relator's petition for writ of mandamus is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH