

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00311-CV**  
**NO. 09-10-00312-CV**

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**IN RE KEVIN J. DENLEY**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Relator Kevin J. Denley filed post-conviction *pro se* petitions for writ of mandamus, in which he argues that the trial court permitted the State to amend the indictments without first requiring leave of court, in violation of article 28.11 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 28.11 (Vernon 2006). Denley asks that we either enter an order declaring his convictions void or enter an order reversing his convictions and remanding the cases.

Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive means to challenge a final felony conviction, and jurisdiction to grant post-conviction habeas relief on a final felony conviction rests exclusively with the Court of Criminal

Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3 (Vernon Supp. 2009); *see also Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483-84 (Tex. Crim. App. 1995). Petition for writ of habeas corpus to a court that has jurisdiction is generally an adequate remedy that will preclude mandamus relief. *In re Piper*, 105 S.W.3d 107, 109-10 (Tex. App.--Waco 2003, orig. proceeding). Denley's petitions fail to demonstrate that his rights to obtain a remedy by appeal or through a writ of habeas corpus were inadequate to address the errors he now asserts. We deny the petitions for writ of mandamus.

PETITIONS DENIED.

PER CURIAM

Opinion Delivered July 22, 2010  
Before McKeithen, C.J., Kreger and Horton, JJ.