



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-08-373-CV

IN RE MARK ANTHONY SHILLING

RELATOR

ORIGINAL PROCEEDING

MEMORANDUM OPINION¹ ON REHEARING

Upon consideration of relator's motion for rehearing and "motion for leave to file motion for explanation of motion to abate venue with probable cause in relators (sic) writ of mandamus," we deny the motions; however, we withdraw our opinion of September 29, 2008, and substitute the following in its place.

The court has considered relator's petition for writ of mandamus and is of the opinion that relief should be denied.² Accordingly, relator's petition for writ of mandamus is denied.

PER CURIAM

¹ See Tex. R. App. P. 47.4.

² Jurisdiction to grant post-conviction habeas corpus relief from a final felony conviction rests exclusively with the Court of Criminal Appeals. See *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995).

PANEL: MCCOY, LIVINGSTON, and DAUPHINOT, JJ.

DELIVERED: December 12, 2008