

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-18-00739-CV**

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**In re Charles Hamilton, Jr.**

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**ORIGINAL PROCEEDING FROM TRAVIS COUNTY**

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**MEMORANDUM OPINION**

Relator Charles Hamilton, Jr., an inmate in the Texas Department of Criminal Justice, has filed a pro se petition for writ of mandamus complaining that the trial court erred by denying his motion to correct an illegal sentence imposed in connection with his 2009 felony conviction for burglary. Hamilton argues that the trial court improperly admitted certain evidence during the punishment phase of the 2009 trial, and he requests that this Court order the trial court to resentence him.

The relief requested in this petition amounts to relief that is available through a writ of habeas corpus pursuant to article 11.07 of the Code of Criminal Procedure. *See* Tex. Code Crim. Proc. art. 11.07, § 3. This Court is without jurisdiction to grant relief in such cases. *See Ex parte Rich*, 194 S.W.3d 508, 511 (Tex. Crim. App. 2006) (“We have long held that a claim of an illegal sentence is cognizable on a writ of habeas corpus.”); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 242-43 (Tex. Crim. App. 1991).

The petition for writ of mandamus is dismissed for want of jurisdiction.

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Melissa Goodwin, Justice

Before Justices Puryear, Goodwin, and Bourland

Filed: November 16, 2018