

**NO. 12-08-00343-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:*

§

*JODY MCCREARY,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

---

---

***MEMORANDUM OPINION  
PER CURIAM***

On November 21, 2002, Jody Ford McCreary pleaded guilty to the offense of robbery, a second degree felony. He contends in this original mandamus proceeding that the district attorney never filed a signed, sworn complaint accusing him of the offense, as required by article 2.05 of the Texas Code of Criminal Procedure. Therefore, his argument continues, the district attorney failed to invoke the jurisdiction of the trial court, and the conviction is void.

Texas courts of appeals have mandamus jurisdiction in criminal matters. *See Dickens v. Second Court of Appeals*, 727 S.W.2d 542, 548 (Tex. Crim. App. 1987). However, only the Texas Court of Criminal Appeals has jurisdiction over matters related to final postconviction felony proceedings. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). Because McCreary's complaint relates to a final postconviction felony, we are without jurisdiction to consider his mandamus petition. Accordingly, the petition for a writ of mandamus is ***dismissed***.

Opinion delivered September 24, 2008.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)