

NO. 12-10-00160-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: JAMES EARL BUTLER,
RELATOR

§

§ ORIGINAL PROCEEDING

§

MEMORANDUM OPINION

In this original proceeding, Relator James Earl Butler seeks a writ of mandamus directing the trial court to vacate his conviction for aggravated assault. As grounds for issuance of the writ, he alleges the conviction is void.

Only the Texas Court of Criminal Appeals has jurisdiction over matters related to postconviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2009). Because the relief sought in the relator's petition relates to postconviction relief from an otherwise final felony conviction, we are without jurisdiction to consider his petition for writ of mandamus. Accordingly, the relator's petition is *dismissed for want of jurisdiction*.

BRIAN HOYLE

Justice

Opinion delivered July 14, 2010.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)