

NOS. 12-15-00050-CR
12-15-00051-CR
12-15-00052-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
JOSE CONCEPCION GARCIA, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Relator Jose Conception Garcia complains in this original mandamus proceeding that the District Clerk of Wood County, Texas, has failed to comply with her duties pertaining to Relator's postconviction application for writ of habeas corpus.

Texas Code of Criminal Procedure Article 11.07 is the exclusive procedure available to an applicant seeking relief from a felony judgment imposing a penalty other than death. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 §§ 1, 5 (West Supp. 2014). Moreover, the court of criminal appeals has recently clarified that because it has exclusive Article 11.07 jurisdiction, an intermediate appellate court has no jurisdiction to rule on matters pertaining to a pending Article 11.07 application. *See Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117-18 (Tex. Crim. App. 2013).

Because Article 11.07 applies to Relator's pending application for habeas relief, and this Court has no jurisdiction to rule on any matters pertaining to a pending Article 11.07 habeas application, we are without jurisdiction to reach the merits of Relator's complaint. Accordingly, we *dismiss* Relator's petition for writ of mandamus *for want of jurisdiction*. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 § 1; *Padieu*, 392 S.W.3d at 117-18.

Opinion delivered February 27, 2015.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 27, 2015

NO. 12-15-00050-CR

JOSE CONCEPCION GARCIA,
Relator
V.
HON. G. TIMOTHY BOSWELL,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **JOSE CONCEPCION GARCIA**; who is the relator in Cause No. 19,188-2006, pending on the docket of the 402nd Judicial District Court of Wood County, Texas. Said petition for writ of mandamus having been filed herein on February 26, 2015, and the same having been duly considered, it is the opinion of this Court that this court is without jurisdiction of this original proceeding and that the petition should be dismissed for want of jurisdiction, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **dismissed for want of jurisdiction**.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.



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Relator
V.
HON. G. TIMOTHY BOSWELL,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **JOSE CONCEPCION GARCIA**; who is the relator in Cause No. 19,190-2006, pending on the docket of the 402nd Judicial District Court of Wood County, Texas. Said petition for writ of mandamus having been filed herein on February 26, 2015, and the same having been duly considered, it is the opinion of this Court that this court is without jurisdiction of this original proceeding and that the petition should be dismissed for want of jurisdiction, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **dismissed for want of jurisdiction**.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 27, 2015

NO. 12-15-00052-CR

JOSE CONCEPCION GARCIA,
Relator
V.
HON. G. TIMOTHY BOSWELL,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **JOSE CONCEPCION GARCIA**; who is the relator in Cause No. 19,191-2006, pending on the docket of the 402nd Judicial District Court of Wood County, Texas. Said petition for writ of mandamus having been filed herein on February 26, 2015, and the same having been duly considered, it is the opinion of this Court that this court is without jurisdiction of this original proceeding and that the petition should be dismissed for want of jurisdiction, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **dismissed for want of jurisdiction**.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.