



In The  
**Eleventh Court of Appeals**

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No. 11-13-00033-CR

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IN RE JUAN MANUEL ALBARADO

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Original Mandamus Proceeding

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MEMORANDUM OPINION

Appearing pro se, relator, Juan Manuel Albarado, a prison inmate, has filed a petition for writ of mandamus. In his petition, relator complains that a judge of the Juvenile Court of Taylor County should be ordered to void the juvenile court's order entered in December 2005 waiving its jurisdiction and transferring relator to the appropriate criminal district court of Taylor County for criminal proceedings as an adult.<sup>1</sup> Finding we lack jurisdiction, we dismiss the petition.

The substance of the relief relator seeks by mandamus is essentially a request for postconviction habeas corpus relief because he is seeking an order from this court in support of his attempt to set aside his original conviction and sentence. The habeas corpus procedure set out in Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive remedy for felony postconviction relief in state court. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (West Supp. 2012); *Bd of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 484 (Tex. Crim. App. 1995). There is no role for the courts of appeals in

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<sup>1</sup>We affirmed relator's subsequent conviction for murder in *Albarado v. State*, No. 11-07-00249-CR, 2009 WL 2055947 (Tex. App.—Eastland July 16, 2009, pet. ref'd) (mem. op., not designated for publication).

the procedure under Article 11.07. *See* Article 11.07, section 3; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 242 (Tex. Crim. App. 1991) (orig. proceeding). Furthermore, an application for writ of habeas corpus is generally an adequate remedy that will preclude mandamus relief. *In re Piper*, 105 S.W.3d 107, 109 (Tex. App.—Waco 2003, orig. proceeding) (citing *Banales v. Court of Appeals, 13th Jud. Dist.*, 93 S.W.3d 33, 36 (Tex. Crim. App. 2002) (orig. proceeding)). Accordingly, we dismiss relator’s petition for want of jurisdiction.

PER CURIAM

February 7, 2013

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
McCall, J., and Willson, J.