

Dismissed w.o.j. and Opinion Filed October 8, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-01170-CV

IN RE PAUL DEWAYNE THIBODEAUX, Relator

Original Proceeding from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. 0856041-J

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Fillmore

In this original proceeding, relator seeks mandamus relief in the form of an order requiring the trial court to comply with the habeas corpus procedures of article 11.07 of the code of criminal procedure. Relator is seeking post-conviction relief from a felony conviction. The intermediate courts of appeal have no authority to issue writs of mandamus in criminal matters pertaining to proceedings under article 11.07 of the code of criminal procedure; only the Texas Court of Criminal Appeals has jurisdiction in post-conviction felony proceedings. TEX. CODE CRIM. PROC. art. 11.07; *In re Haynes*, No. 05-06-01466-CV, 2006 WL 3307012, at *1 (Tex. App.—Dallas Nov. 15, 2006, orig. proceeding) (dismissing original proceeding seeking writ ordering trial court to comply with article 11.07); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (“Should an applicant find it necessary to complain about an action or inaction of the convicting court, the applicant may seek mandamus relief from the Court of Criminal Appeals.”).

Accordingly, we dismiss relator's petition for writ of mandamus for want of jurisdiction.

TEX. R. APP. P. 52.8(a).

/Robert M. Fillmore/

ROBERT M. FILLMORE
JUSTICE

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