

DISMISS; and Opinion Filed November 27, 2018.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

**No. 05-18-01405-CV
No. 05-18-01406-CV
No. 05-18-01407-CV
No. 05-18-01408-CV
No. 05-18-01409-CV
No. 05-18-01410-CV**

IN RE GLENN RAY LOTT, Relator

**Original Proceeding from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause Nos. W00-32132-L(A), W98-32048-L(A), W98-29602-L(A),
W98-29603-L(A), W98-29604-L(A), and W98-29605-L(A)**

MEMORANDUM OPINION

**Before Justices Bridges, Brown, and Boatright
Opinion by Justice Brown**

In this original proceeding, relator complains that the trial court forwarded relator's article 11.07 application for writ of habeas corpus to the Texas Court of Criminal Appeals without including findings of fact and conclusions of law in the record. Relator seeks a writ of mandamus directing the trial court to prepare findings of fact and conclusions of law and forward those findings and conclusions to the Texas Court of Criminal Appeals.

Intermediate courts of appeals have limited writ jurisdiction in criminal matters. TEX. GOV'T CODE ANN. § 22.221. The Texas Court of Criminal Appeals, however, has jurisdiction in final post-conviction habeas corpus proceedings. TEX. CODE CRIM. PROC. ANN. art. 11.07; *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). “Article

11.07 contains no role for the courts of appeals; the only courts referred to are the convicting court and the Court of Criminal Appeals.” *In re McAfee*, 53 S.W.3d at 718; *see also Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding) (by granting writ of mandamus to vacate judgment of conviction, court of appeals usurped exclusive authority of court of criminal appeals to grant post-conviction relief); *In re Nickerson*, No. 05-13-01692-CV, 2013 WL 6596878, at *1 (Tex. App.—Dallas Dec. 16, 2013, orig. proceeding) (no writ jurisdiction to order trial court to rule on petition for writ of habeas corpus in post-conviction felony proceeding). If an applicant finds it necessary to complain about an action or inaction of the convicting court, the applicant may seek mandamus relief from the Texas Court of Criminal Appeals. *In re McAfee*, 53 S.W.3d at 718. Here, relator complains of the alleged inaction of the trial court in relation to relator’s post-conviction application for relief under article 11.07. This Court lacks jurisdiction over such matters. Accordingly, we dismiss this proceeding for want of jurisdiction.

/Ada Brown/

ADA BROWN
JUSTICE

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