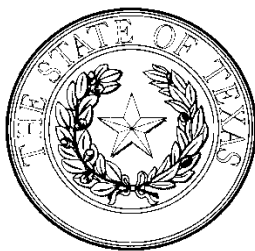


Opinion issued September 27, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00860-CR

IN RE DENNIS LEN LIVINGS, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Dennis Len Livings, has filed a pro se petition for writ of mandamus in this Court. *See* TEX. GOV'T CODE § 22.221 (Vernon 2004); *see also* TEX. R. APP. P. 52. Relator complains that the trial court¹ has failed to rule on

¹ Relator provides information indicating that this original proceeding arises out of Cause No. 1035169-A, styled *Ex Parte Dennis Len Livings*, 174th District Court,

motions relator has filed in aid of his post-conviction writ of habeas corpus.

This Court, as an intermediate appellate court, has no jurisdiction over post-conviction writs of habeas corpus in felony cases.² See TEX. CODE CRIM. PROC. ANN. art. 11.05, art. 11.07, § 3(a), (b) (Vernon 2005 & Vernon Supp. 2012); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (noting that “only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings”). Thus, we also lack jurisdiction to grant mandamus relief in matters related to a post-conviction writ application. See *In re McAfee*, 53 S.W.3d at 717–18; see also *In re Perryman*, No 04–11–00300–CR, 2011 WL 2165145, at *1 (Tex. App.—San Antonio May 25, 2011, orig. proceeding) (mem. op.; not designated for pub.) (dismissing petition for writ of mandamus in case in which relator complained that trial court failed to rule on motions related to a post-conviction petition for writ of habeas corpus).

Harris County. Relator identifies the Honorable Ruben Guerrrero as the respondent in this original mandamus proceeding.

² Relator was convicted of the felony offense of aggravated sexual assault of a child and sentenced to a mandatory life sentence as a repeat sex offender. We affirmed relator’s conviction in *Living’s v. State*, No. 01–06–00146–CR, 2007 WL 1500300, at *7 (Tex. App.—Houston [1st Dist.] May 24, 2007, pet. ref’d) (mem. op.; not designated for pub.).

We dismiss the petition for writ of mandamus for lack of jurisdiction. *See*
TEX. R. APP. P. 52.8(a).

PER CURIAM

Panel consists of Justices Jennings, Higley, and Sharp.

Do not publish.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