

Opinion issued June 10, 2014.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-13-01036-CR

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IN RE DAVID CARL WORMINGTON, Relator

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Original Proceeding on Petition for Writ of Mandamus

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**MEMORANDUM OPINION**

Relator, David Carl Wormington, has filed a petition for writ of mandamus, seeking to compel respondent, the Honorable Mary Bacon, to rule on his “petition filed under 11.05 Texas Code of Criminal Procedure.”<sup>1</sup>

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<sup>1</sup> The petition identifies the underlying case as cause number 1005810, *Ex parte David Wormington*, in the 184th District Court of Harris County Texas, the Honorable Jan Krockner presiding.

This Court does not have jurisdiction to grant relator's requested relief. Only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction habeas corpus proceedings. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2013); *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). We have no authority to issue writs of mandamus in criminal law matters relating to final post-conviction felony proceedings. *See In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

### **Conclusion**

Accordingly, we dismiss the petition for lack of jurisdiction.

### **PER CURIAM**

Panel consists of Justices Jennings, Bland, and Massengale.

Do not publish.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