

Opinion issued April 28, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-16-00228-CR

IN RE JASON T. PEGUES, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Jason T. Pegues, seeks mandamus relief to compel the trial court to rule on Pegues' Motion for Sanctions to Hold the State in Contempt.¹ In this motion, Pegues asked the trial court either to compel the State to file its answer to Pegues' application for habeas corpus or to grant sanctions.

¹ The underlying case is *State of Texas v. Jason Tyrone Pegues*, cause number 94-DCR-026185, pending in the 240th District Court of Fort Bend County, Texas, the Honorable James Shoemake, presiding.

In his petition, Pegues notes that the application for habeas relief was filed pursuant to article 11.07. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.07 (West 2015). Although “the courts of appeals have mandamus jurisdiction in criminal matters, only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings.” *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. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.07; *see McAfee*, 53 S.W.3d at 718. Accordingly, a court of appeal has no authority to issue writs of mandamus in matters pertaining to habeas proceedings under article 11.07. *McAfee*, 53 S.W.3d at 718; *In re Briscoe*, 230 S.W.3d 196, 197 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding).

Pegues’ petition for writ of mandamus is dismissed.

PER CURIAM

Panel consists of Justices Bland, Brown, and Lloyd.

Do not publish.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