

Opinion issued September 20, 2018



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

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NO. 01-18-00815-CR

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IN RE WILLIE JOE MCADAMS, Relator

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Original Proceeding on Petition for Writ of Mandamus

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**MEMORANDUM OPINION**

Relator, Willie Joe McAdams, has filed a pro se motion for leave to file a petition for a writ of mandamus along with a mandamus petition. Relator's petition seeks to compel the respondent trial judge to vacate relator's 1999 state-jail felony conviction for possession of a controlled substance because he claims that it was

improperly enhanced to a third-degree felony when he was assessed four years' confinement in the underlying criminal proceeding.<sup>1</sup>

Because relator's petition involves a final post-conviction felony proceeding, it is governed by Article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (stating that, "[a]fter conviction the procedure outlined in this Act shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner."). "Article 11.07 contains no role for the courts of appeals. To complain about any action, or inaction, of the convicting court, the applicant may seek mandamus relief from the Court of Criminal Appeals." *In re Briscoe*, 230 S.W.3d 196, 196–97 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding); *see Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). Thus, we lack jurisdiction to issue the requested writ of mandamus because relator's petition is governed by Article 11.07. *See Keene*, 910 S.W.2d at 483; *see, e.g., In re Bailey*, No. 01-01-00188-CV, 2001 WL 253388, at \*1 (Tex. App.—Houston [1st Dist.] Mar. 15, 2001) (per curiam) (mem. op., not designated for publication) (dismissing mandamus petition for want of jurisdiction seeking to compel trial court

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<sup>1</sup> The underlying proceeding is *The State of Texas v. Willie Joe McAdams*, Cause No. 815458, in the 182nd District Court of Harris County, Texas, the Honorable Jeannine Barr presiding.

to correct five-year state-jail felony sentence as outside applicable range for punishment).

Accordingly, we dismiss relator's mandamus petition for want of jurisdiction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5; TEX. R. APP. P. 52.8(a), (d). We dismiss all pending motions as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Higley, and Massengale.

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