

Opinion issued July 27, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00246-CR

IN RE CHARLES LEE WEBB, II, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION¹

Relator, Charles Lee Webb, II, incarcerated and proceeding pro se, has filed a Motion for Leave to File Original Application for Writ of Mandamus.¹ Relator seeks issuance of a writ to compel respondent, the Honorable O’Neill Williams, to

¹ The Texas Rules of Appellate Procedure no longer require the relator to file a motion for leave in an original proceeding. *See generally* TEX. R. APP. P. 52 & cmt. The underlying case is *The State of Texas v. Charles Lee Webb II*, cause number 16-DCR-076139, pending in the 268th District Court of Fort Bend County, Texas, the Honorable O’Neill Williams presiding.

delete an affirmative finding of a deadly weapon from his 2017 conviction for unlawful possession of a firearm by a felon.

Relator's petition reflects that he seeks relief from a final felony conviction. Because his petition involves a final post-conviction felony proceeding, article 11.07 of the Texas Code of Criminal Procedure governs and provides the exclusive means to challenge the conviction. *See* TEX. CODE CRIM. PROC. art. 11.07; *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013) (citations omitted); *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (citation omitted). Only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction proceedings. *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (citation omitted); *see In re Briscoe*, 230 S.W.3d 196, 196–97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding) (“Article 11.07 contains no role for the courts of appeals.”). The exclusive jurisdiction of the court of criminal appeals to grant post-conviction relief extends to attempts to delete deadly weapon findings. *In re Weisinger*, No. 12–11–00101–CR, 2011 WL 4549409, at *1 (Tex. App.—Tyler Sept. 30, 2011, orig. proceeding). Accordingly, we do not have jurisdiction over relator's mandamus petition.

We dismiss the petition for lack of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Landau and Countiss.

Do not publish.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