

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
February 2, 2010**



In The

Fourteenth Court of Appeals

NO. 14-10-00014-CR

IN RE ANDRE LAMOND MORGAN, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On January 13, 2010, relator, Andre Lamond Morgan, filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable Ruben Guerrero, presiding judge of the 174th District Court of Harris County, to set aside his conviction for murder and 30-year sentence. Relator complains that the trial court “accepted his plea bargain which contained erroneous charging in that it fail[ed] to apply to the facts of the case . . . infring[ing] upon [his] federal and state constitutional rights to due process of law, due course of law, and right of trial by jury.”

Relator is seeking post-conviction habeas relief. Although courts of appeals have jurisdiction in criminal matters, only the Texas Court of Criminal Appeals has jurisdiction over matters related to final post-conviction felony proceedings. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App.1991) (orig. proceeding). Therefore, we do not have jurisdiction in this original proceeding.

Accordingly, relator's petition for writ of mandamus is ordered dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Yates, Seymore, and Brown.

Do Not Publish—Tex. R. App. P. 47.2(b).