

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed August 27, 2010.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-10-00808-CR**

---

**IN RE JOHN WAYNE ALEXANDER, Relator**

---

---

**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS**

---

---

**MEMORANDUM OPINION**

On August 19, 2010, relator, John Wayne Alexander, 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 presiding judge of the 176th District Court of Harris County to set aside his conviction and life sentence for capital murder.

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). “[C]ourts of appeals have no authority to issue writs of mandamus in criminal law matters pertaining to [post-conviction habeas] proceedings.” *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Therefore, this court does not have jurisdiction to compel the trial court to set aside relator’s conviction and life sentence for capital murder.

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

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Sullivan.

Do Not Publish—Tex.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