

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed January 27, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00028-CR

IN RE LAWRENCE KEVIN BILLINGS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
351st District Court
Harris, County, Texas
Trial Court No. 888561**

MEMORANDUM OPINION

On January 12, 2011, relator Lawrence Kevin Billings filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann §22.221; *see also* Tex. R. App. P. 52.1. In his petition, relator asks that this court compel the respondent, the Honorable Mark Kent Ellis, presiding judge of the 351st District Court in Harris County, to vacate relator's judgment of conviction for aggravated assault. We dismiss for want of jurisdiction.

In 2002 a jury convicted relator of aggravated assault and sentenced him to confinement for 25 years in the Institutional Division of the Texas Department of Criminal

Justice. This court affirmed his conviction. *Billings v. State*, No. 14-02-00861-CR, 2003 WL 22996914 (Tex. App.—Houston [14th Dist.] Dec. 23, 2003, no pet.) (not designated for publication).

The substance of the relief sought by relator in his petition is habeas corpus relief following a final felony conviction. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive means to challenge a final felony conviction. *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). Such an application for writ of habeas corpus is returnable to the Court of Criminal Appeals. The court of appeals does not have jurisdiction. *Id.*

Accordingly, we dismiss relator's petition for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Justices Anderson, Seymore, and McCally.

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