

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed March 24, 2011



In The

Fourteenth Court of Appeals

NO. 14-11-00201-CR

IN RE JERRY RICKY HANNAH, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On March 9, 2011, relator Jerry Ricky Hannah 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. In the petition, relator asks this court to compel the Honorable Ruben Guerrero, presiding judge of the 174th District Court of Harris County to vacate relator's conviction. Relator was convicted for failure to comply with a civil commitment order. This court affirmed his conviction. *Hannah v. State*, 14-09-00283-CR; 2010 WL 1790807 (Tex. App.—Houston [14th Dist.] May 6, 2010, pet. ref'd) (memo. op.).

This court's original jurisdiction is governed by section 22.221 of the Texas Government Code. Section 22.221 expressly limits the original jurisdiction of the courts of appeals to: (1) writs against a district court judge or county court judge in the court of appeals' district, and (2) all writs necessary to enforce the court of appeals' jurisdiction. Tex. Gov't Code Ann. § 22.221.

The substance of the relief sought by relator in his petition is habeas corpus relief following a final felony conviction. *See* Tex. Health & Safety Code Ann. § 841.045(b) (offense under this section is a felony of the third degree). 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 Anderson, Seymore, and McCally.

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