

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed  
February 25, 2016.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-16-00127-CR**

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**IN RE THERMON JAMES FLANIGAN, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
174th District Court  
Harris County, Texas  
Trial Court Cause No. 716513**

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**MEMORANDUM OPINION**

On February 18, 2016, relator Thermon James Flanigan filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the presiding judge of the 174th District Court of Harris County to transmit to this court a copy of his application for an article 11.07 writ of habeas corpus and related documents to this court.

Relator claims that the trial court has a ministerial duty to transmit his application for writ of habeas corpus to this court pursuant to Article 11.07(3)(c) of the Texas Code of Criminal Procedure. *See* Tex. Code Crim. Proc. Ann. art. 11.07(3)(c) (West 2015). Pursuant to article 11.07(3)(c), if the court, where the applicant for a writ of habeas corpus was convicted of a felony, decides there are no “controverted, previously unresolved facts material to the legality of the applicant’s confinement,” then “the clerk shall immediately transmit to the Court of Criminal Appeals a copy of the application, any answers filed, and a certificate reciting the date upon which that finding was made.” *Id.* Article 11.07(c)(3) does not provide for the application for writ of habeas and related documents to be transmitted to this court.

Only the Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings. Tex. Code Crim. Proc. Ann. art. 11.07; *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding). Therefore, this court has no mandamus jurisdiction in matters related to petitions for writ of habeas corpus in criminal cases. *See In re Briscoe*, 230 S.W.3d 196, 196 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding) (“We have no authority to issue writs of mandamus in criminal law matters pertaining to proceedings under article 11.07); *In re McAfee*, 53 S.W.3d 175, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (concluding that court of appeals had no authority to issue writs of mandamus in criminal law matters pertaining to proceedings under article 11.07). To complain about any action or inaction of the

convicting court, relator may seek mandamus relief from the Texas Court of Criminal Appeals. *See Briscoe*, 230 S.W.3d at 196–97; *McAfee*, 53 S.W.3d at 718.

Accordingly, we dismiss relator’s petition for writ of mandamus for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Christopher, McCally, and Busby.  
Do Not Publish — Tex. R. App. P. 47.2(b).