

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed
March 24, 2016.**



In The

Fourteenth Court of Appeals

**NO. 14-16-00171-CR
NO. 14-16-00172-CR**

IN RE AVERY LAMARR AYERS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
180th District Court
Harris County, Texas
Trial Court Cause Nos. 1473223 & 1476757**

MEMORANDUM OPINION

On March 3, 2016, relator Avery Lamarr Ayers 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 reverse his conviction for forgery of a financial instrument and issue a judgment of acquittal because of

alleged ineffective assistance of counsel, a flawed indictment, and suppression of exculpatory and mitigating evidence by the prosecutor.

Relator is requesting habeas corpus relief. The courts of appeals have no original habeas corpus jurisdiction in criminal matters. Tex. Gov't Code Ann. § 22.221(d); *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.); *Ex Parte Denby*, 627 S.W.2d 435 (Tex. App.—Houston [1st Dist.] 1981, orig. proceeding). Original jurisdiction to grant a writ of habeas corpus in a criminal case is vested in the Texas Court of Criminal Appeals, the district courts, the county courts, or a judge in those courts. Tex. Code Crim. Proc. Ann. art. 11.05 (West 2015); *Ex Parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding). Therefore, this court is without jurisdiction to consider relator's petition requesting habeas corpus relief.

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

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Wise.
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