

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed  
September 13, 2016.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-16-00576-CR**

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**IN RE BRETT DAVID BOGUS, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
176th District Court  
Harris County, Texas  
Trial Court Cause No. 1433472**

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**MEMORANDUM OPINION**

On July 20, 2016, relator Brett David Bogus 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. Relator names as respondents the Honorable Susan Brown, Administrative Judge of the Criminal Courts Division, Harris County, and the Honorable Stacey Bond, presiding judge of the 176th District Court of Harris County.

Relator complains that respondents failed to appoint relator effective appellate counsel for his appeal from his conviction for theft. On August 5, 2016, the trial court held a hearing on relator's request for new counsel. In written findings of fact, the trial court found that relator's former appellate counsel "ha[d] become physically unable to practice law due to a medical event." The trial court signed an order appointing new counsel to represent relator in his appeal pending in this court, thereby rendering moot relator's request for relief concerning the appointment of new appellate counsel.

Relator further asks this court to reverse his conviction and render judgment of acquittal due to alleged violations of the United States Constitution and the Texas Constitution. Relator is requesting habeas corpus relief. The courts of appeals have no original habeas-corpus jurisdiction in criminal matters. *In re Ayers*, No. 14-16-00274-CR, — S.W.3d —, 2016 WL 1533747, at \*1 (Tex. App.—Houston [14th Dist.] Apr. 14, 2016, 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); *Ayers*, 2016 WL 1533747, at \*1. Therefore, this court is without jurisdiction to consider relator's petition requesting habeas corpus relief.

Accordingly, we dismiss relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and McCally.  
Do Not Publish — Tex. R. App. P. 47.2(b).