

**Petition for Writ of Mandamus Dismissed and Opinion filed February 2, 2017.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-17-00073-CR**

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**IN RE PATRICIO ESTRADA, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
179th District Court  
Harris County, Texas  
Trial Court Cause No. 1404467B**

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**MEMORANDUM OPINION**

On January 26, 2017, relator Patricio Estrada 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 contends the trial court has failed to transmit all answers, affidavits, and findings filed in his 11.07 habeas corpus proceeding to the Texas Court of Criminal Appeals. Relator further asserts that his trial counsel, Monica Gonzales, rendered ineffective assistance of counsel at trial

and failed to file an affidavit in his 11.07 proceeding. Relator asks this court to find that the trial court failed to provide all documents to the Court of Criminal Appeals in a reasonable amount of time and to order the State to dismiss his probation revocation.

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 Justices Christopher, Jamison, and Donovan.  
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