



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00686-CR

IN RE Leon BREWER

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: November 7, 2012

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On October 19, 2012, Relator Leon Brewer filed a petition for writ of mandamus, complaining he filed an amendment to his original application for post-conviction writ of habeas corpus and a motion for leave to file the amended writ and the trial court has failed to respond or set the matter for hearing.

However, only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2012); *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth*

¹ This proceeding arises out of Cause No. 2009CR7532, styled *State of Texas v. Leon Brewer*, pending in the 437th Judicial District Court, Bexar County, Texas, the Honorable Lori I. Valenzuela presiding.

Dist., 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that “Article 11.07 provides the exclusive means to challenge a final felony conviction.”). Because the relief sought in Relator’s petition relates to post-conviction relief from an otherwise final felony conviction, we are without jurisdiction to consider his petition for writ of mandamus.²

Accordingly, Relator’s petition is DISMISSED FOR LACK OF JURISDICTION.

PER CURIAM

DO NOT PUBLISH

² On March 22, 2010, relator was convicted of felony possession of a firearm. No appeal was taken in this court. Therefore, relator’s conviction is final.