



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00541-CR

IN RE Wilbert P. STEWART

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Irene Rios, Justice

Delivered and Filed: August 15, 2018

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

Relator complains of the trial court's denial of his motion for judgment nunc pro tunc by which he sought to correct an alleged error in flat-time credit. The Court of Criminal Appeals has exclusive jurisdiction to grant postconviction relief from an otherwise final felony conviction. TEX. CODE CRIM. PROC. ANN. art. 11.07 § 5 (West 2015); *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (orig. proceeding) (per curiam). This includes matters relating to flat-time credit. *See, e.g., Ex parte Lee*, 223 S.W.3d 360, 360-61 (Tex. Crim. App. 2006) (orig. proceeding) (per curiam). Because the proper avenue for resolving the issue is by application for writ of habeas corpus as authorized

¹ This proceeding arises out of Cause No. 1993-CR-0145, styled *The State of Texas v. Wilbert P. Stewart*, pending in the 226th Judicial District Court, Bexar County, Texas, the Honorable Sid L. Harle presiding.

by article 11.07, we dismiss relator's petition for writ of mandamus for lack of jurisdiction. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

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