

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

---

**NO. 09-11-00343-CR**

---

**IN RE JOSEPH V. METOYER, JR.**

---

---

**Original Proceeding**

---

---

**MEMORANDUM OPINION**

Joseph V. Metoyer, Jr. filed a petition for writ of mandamus that asks this Court to compel the trial judge to address an “Extraordinary Writ of Mandamus” he filed with the trial court after his conviction. In the document filed with the trial court, Metoyer contended that he was unlawfully restrained and was denied arraignment and bail. In his petition for writ of mandamus with this Court, Metoyer stated that the relief he sought was post conviction.<sup>1</sup>

Mandamus relief relating to a post-conviction habeas proceeding must be obtained from the Court of Criminal Appeals. *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—

---

<sup>1</sup>*See Metoyer v. State*, No. 09-08-196 CR, 2008 WL 2185877 (Tex. App.—Beaumont May 21, 2008, no pet.) (in which this Court dismissed Metoyer’s appeal of a conviction for possession of a controlled substance because the trial court’s certification stated that it was a plea-bargain case and Metoyer had no right of appeal).

Houston [1st Dist.] 2001, orig. proceeding). The relief requested by Metoyer concerns post-conviction matters that do not implicate the jurisdiction of this Court. *See* Tex. Code Crim. Proc. Ann. art. 11.07 (Vernon Supp. 2010). Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered July 13, 2011  
Do Not Publish  
Before Gaultney, Kreger, and Horton, JJ.