

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00027-CR

IN RE HERBERT FEIST

Original Proceeding

MEMORANDUM OPINION

Relator Herbert Feist filed a petition for writ of mandamus, in which he complains of the trial court’s handling of applications for writ of habeas corpus that he filed pertaining to two convictions, one from 1978 and the other from 1979. Feist contends the convictions are void and are being used in a new case as enhancements, and he argues that a void conviction “can be attacked any time.”

The Texas Court of Criminal Appeals has exclusive jurisdiction to grant relief in a post-conviction habeas corpus proceeding in which there is a final felony conviction. Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2014); *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013) (orig. proceeding). Because Feist requests that we compel an action by the trial

court directly relating to its handling of Feist’s post-conviction applications for writ of habeas corpus, we lack jurisdiction to grant the relief he requests. *See In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (“Should an applicant find it necessary to complain about an action or inaction of the convicting court, the applicant may seek mandamus relief from the Court of Criminal Appeals.”). Accordingly, we dismiss Feist’s petition for writ of mandamus.

PETITION DISMISSED.

PER CURIAM

Submitted on February 10, 2015
Opinion Delivered February 11, 2015
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.