

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00398-CR

IN RE MICHAEL J. CORBELLO

Original Proceeding
128th District Court of Orange County, Texas
Trial Cause No. A130634-R

MEMORANDUM OPINION

Michael J. Corbello filed a petition for mandamus seeking to set aside his felony conviction and to require the prosecutor and lawyer who represented him in his criminal trial to turn over their files. The Texas Court of Criminal Appeals maintains exclusive state court jurisdiction over post-conviction felony proceedings. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Corbello is not entitled to have this Court act on his request seeking to overturn his conviction. Furthermore, we have no authority to issue a writ of

mandamus against a prosecutor or a defense attorney except to protect our jurisdiction. *See In re Pennington*, No. 09-08-370-CV, 2008 WL 4425521, at *1 (Tex. App.—Beaumont Oct. 2, 2008, orig. proceeding) (mem. op.); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.—San Antonio 1998, orig. proceeding). Corbello has not shown that a writ of mandamus is necessary to protect this Court’s jurisdiction. *See* Tex. Gov’t Code Ann. § 22.221(a) (West 2004). Accordingly, we dismiss the petition for lack of jurisdiction.

PETITION DISMISSED.

PER CURIAM

Submitted on October 31, 2017
Opinion Delivered November 1, 2017
Do Not Publish

Before Kreger, Horton and Johnson, JJ.