



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-17-00405-CV

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IN RE ANTWAIN JAMAR TUTSON, RELATOR

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Original Proceeding

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November 7, 2017

**CONCURRING OPINION**

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

I concur in the Court's judgment and join in its opinion because I read the opinion to construe relator Tutson's pending motions in the trial court to be the equivalent of a pending habeas corpus application under Article 11.07 of the Texas Code of Criminal Procedure. See TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2017). In that circumstance, I agree with the majority that we lack jurisdiction over his petition for mandamus. See *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

James T. Campbell  
Justice