



**IN THE
TENTH COURT OF APPEALS**

No. 10-20-00096-CR

IN RE LESTER DAVIS

Original Proceeding

MEMORANDUM OPINION

Lester Davis, an inmate, requests that we grant his petition for writ of mandamus and order the trial court to withdraw his judgment of conviction and release him from confinement. Davis claims that the indictment against him was “fraudulent” because it was not the product of the January 2012 grand jury.

We affirmed Davis’s judgment on direct appeal. *See Davis v. State*, No. 10-13-00390-CR, 2014 WL 2946420 (Tex. App. – Waco June 26, 2014) (mem. op., not designated for publication). Davis’s petition for discretionary review was refused by the Texas Court of Criminal Appeals. Davis’s numerous petitions for habeas corpus have also been rejected by the Texas Court of Criminal Appeals, resulting in sanctions imposed against

him by that court for abuse of the writ. *See Ex parte Davis*, No. WR-33,426-18, 2018 WL 3569033 (Tex. Crim. App. July 25, 2018) (order).

Once a felony conviction becomes final, as in this case, only the Texas Court of Criminal Appeals has jurisdiction to review post-conviction collateral attacks on that conviction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *In re McIntosh*, No. 10-19-00442-CR, 2019 WL 6954204, at *1 (Tex. App. – Waco Dec. 18, 2019, no pet.).

Accordingly, because Davis complains about a final felony conviction and only the Court of Criminal Appeals has jurisdiction regarding his complaints, Davis’s petition for writ of mandamus is dismissed for want of jurisdiction.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Petition dismissed
Do not publish
Opinion delivered and filed March 23, 2020
[OT06]

