

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00319-CV

In re Tommy Joe Kelley

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Tommy Joe Kelley has filed a petition for writ of mandamus, asking this Court to order the 390th Judicial District Court of Travis County to conduct an evidentiary hearing on three applications for writ of habeas corpus that Kelley has filed with the Texas Court of Criminal Appeals pursuant to article 11.07 of the Texas Code of Criminal Procedure.¹ However, when an article 11.07 application has been filed, only the Court of Criminal Appeals has jurisdiction to issue a writ of mandamus pertaining to any article 11.07 proceedings in the trial court.² Accordingly, we dismiss Kelley's petition for want of jurisdiction.

Bob Pemberton, Justice

Before Justices Puryear, Pemberton, and Goodwin

Filed: June 8, 2017

¹ See Tex. Code Crim. Proc. art. 11.07.

² See *Padieu v. Court of Appeals of Texas*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding).