

**NO. 12-11-00245-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***IN RE:***

§

***WILLIE J. BILLINGTON,***

§

***ORIGINAL PROCEEDING***

***RELATOR***

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***MEMORANDUM OPINION  
PER CURIAM***

Relator Willie J. Billington seeks a writ of mandamus “to correct or vacate the [illegal] judgement [sic] and sentence” relating to his conviction for burglary of a habitation. We dismiss the petition.

Relator is currently serving a sentence of life imprisonment after being convicted in 2007 for burglary of a habitation. In this proceeding, he urges that (1) the sentence was obtained by a violation of the protection against double jeopardy; (2) the conviction was obtained by use of evidence obtained pursuant to an unlawful arrest; and (3) his conviction is a fundamental miscarriage of justice because of his actual innocence.

Although Relator characterizes the relief he seeks as mandamus relief, he is, in substance, seeking habeas relief from a final felony conviction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 § 1 (West Supp. 2010). We are not authorized to act on a petition for writ of habeas corpus seeking relief from a final felony conviction. *See* TEX. GOV’T CODE ANN. § 22.221(d) (West 2004). The Texas Court of Criminal Appeals has exclusive jurisdiction over postconviction writs of habeas corpus in felony cases. TEX. CODE CRIM. PROC. ANN. art. 11.07 § 3 (West Supp. 2010). Therefore, we are without jurisdiction to consider Relator’s complaints. Accordingly, Relator’s petition is ***dismissed.***

Opinion delivered August 17, 2011.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)