

NO. 12-11-00378-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

RICHARD JAMES JOHNSON,

§

ORIGINAL PROCEEDING

RELATOR

§

MEMORANDUM OPINION

Relator Richard James Johnson is presently serving a thirty year sentence after being convicted of burglary of a habitation. He contends that he was wrongfully deprived of a jury trial and seeks a writ of mandamus directing the trial court to reverse his conviction due to “structural error.”

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. 2011). 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. 2011). Therefore, we are without jurisdiction to address the merits of Relator’s petition. Relator asserts that he has filed multiple petitions for writ of habeas corpus to no avail. However, that does not authorize this court to review the merits of his petition in this proceeding. Accordingly, Relator’s petition is *dismissed*.

JAMES T. WORTHEN

Chief Justice

Opinion delivered March 7, 2012.

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

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

MARCH 7, 2012

NO. 12-11-00378-CR

RICHARD JAMES JOHNSON,
Relator
v.
HON. PAUL WHITE,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **RICHARD JAMES JOHNSON**, who is the relator in Cause No. 43285-10-07, pending on the docket of the 159th Judicial District Court of Angelina County, Texas. Said petition for writ of mandamus having been filed herein on November 28, 2011, and the same having been duly considered, because it is the opinion of this Court that it lacks jurisdiction, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED**.

James T. Worthen, Justice.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.