

NO. 12-12-00141-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
CLEVELAND WADE THOMPSON, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Pursuant to a plea bargain, Relator pleaded guilty to aggravated assault of a public servant. The trial court accepted the plea, and Relator was placed on deferred adjudication community supervision. His community supervision was subsequently revoked, and he was sentenced to imprisonment for forty years. He has now filed a habeas application in the trial court, and complains in this original mandamus proceeding that the trial court has failed to rule on the application.

The Texas Court of Criminal Appeals has exclusive jurisdiction in postconviction proceedings where, as here, the applicant seeks habeas relief from a felony judgment imposing a penalty other than death. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 § 5 (West Supp. 2011). Consequently, we lack jurisdiction to address Relator's complaint that the trial court has failed to rule on his postconviction habeas application. *See McCree v. Hampton*, 824 S.W.2d 578, 579 (Tex. Crim. App. 1992); *see also In re Flentroy*, No. 03-12-00003-CV, 2012 WL 964475, at *1 (Tex. App.—Austin Jan. 13, 2012, orig. proceeding) (mem. op., not designated for publication). Accordingly, Relator's petition for writ of mandamus is *dismissed for want of jurisdiction*.

Opinion delivered April 18, 2012.

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

(DO NOT PUBLISH)