

**NO. 12-12-00240-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:* §  
*RICHARD TAYLOR,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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***MEMORANDUM OPINION***

In this original mandamus proceeding, Relator Richard Taylor contends that the cumulation order in the judgment of conviction is void for lack of specificity. He requests an order directing the trial court to vacate its cumulation order and reform the judgment to reflect that his sentence is to run concurrently with his sentence from another cause number. Relator alternatively requests an order prohibiting the enforcement of his sentence beyond March 8, 2013.

Relator pleaded guilty to the offense that is the subject of this proceeding (trial court cause number 01CR034) on April 30, 2001. The agreed punishment recommendation signed by Relator stated that his sentence would “run consecutive to cause [number] 16462; out of the 217th District Court of Angelina County, Texas.” Relator did not appeal the cumulation order following his guilty plea in 2001, but sought an out of time appeal on June 29, 2011, which the trial court denied. Relator appealed the trial court’s ruling to this court, but the appeal was dismissed for want of jurisdiction. *See Taylor v. State*, No. 12-11-00275-CR, 2011 WL 4386398 (Tex. App.—Tyler Sept. 21, 2011, no pet.) (mem. op., not designated for publication). Relator admits that he has filed several applications for writ of habeas corpus in the court of criminal appeals in which he challenged the cumulation order. His efforts have resulted in his claims being barred from review, waived, and abandoned by his abuse of the writ. *See Ex parte Taylor*, No. WR-61434-11, 2012 WL 1554168 (Tex. Crim. App. 2012) (not designated for publication).

Despite the fact that Relator's claims are barred by his abuse of the writ, only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2011); *see generally Ex parte San Migel*, 973 S.W.2d 310 (Tex. Crim. App. 1998) (addressing post-conviction habeas claim that cumulation order was void for lack of specificity). Because the relief sought in Relator's petition relates to post-conviction relief from an otherwise final felony conviction, we are without jurisdiction to consider his petition for writ of mandamus and writ of prohibition. Accordingly, Relator's petition is *dismissed for want of jurisdiction*.

Opinion delivered August 8, 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**

**AUGUST 8, 2012**

**NO. 12-12-00240-CR**

**RICHARD TAYLOR,**  
Relator  
v.  
**HON. PAM FLETCHER,**  
Respondent

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the petition for writ of mandamus and writ of prohibition filed by **RICHARD TAYLOR**, who is the relator in Cause No. 01CR034, pending on the docket of the 349th Judicial District Court of Houston County, Texas. Said petition for writ of mandamus and writ of prohibition having been filed herein on July 13, 2012, and the same having been duly considered, because it is the opinion of this court that this court is without jurisdiction in this proceeding, and that the petition for writ of mandamus and writ of prohibition should be dismissed, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus and writ of prohibition be, and the same is, hereby **dismissed for want of jurisdiction.**

Sam Griffith, Justice.

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