

NO. 12-12-00288-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

RASHAAN GOLDEN,

§

ORIGINAL PROCEEDING

RELATOR

§

MEMORANDUM OPINION

In this original mandamus proceeding, Relator Rashaan Golden seeks a writ of mandamus directing the trial court to withdraw Relator's guilty plea or acquit him of the underlying offense. We dismiss the petition.

In 2001, Relator pleaded guilty to the felony offense of injury to a child, and was sentenced to imprisonment for sixty years. He filed an untimely notice of appeal, and this court dismissed the appeal for want of jurisdiction. *See generally Golden v. State*, No. 12-02-00310-CR, 2002 WL 31778530 (Tex. App.–Tyler Dec. 2, 2002, no pet.) (not designated for publication). In the instant proceeding, Relator attempts to challenge the sufficiency of the trial court's admonishment at the time he entered his guilty plea and the sufficiency of the evidence to support his conviction.

We have previously addressed a similar complaint by Relator. *See generally In re Golden*, No. 12-11-00300-CR, 2011 WL 5878346 (Tex. App.–Tyler Nov. 23, 2011, orig. proceeding) (mem. op., not designated for publication) (per curiam). As we explained in that opinion, the court of criminal appeals has exclusive authority to grant postconviction relief from a final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). The procedure for requesting this relief is found in the Texas Code of Criminal Procedure, Article 11.07. Because the court of criminal appeals has exclusive authority to grant postconviction relief from a final felony conviction, we are without jurisdiction to

consider Relator's petition for writ of mandamus. Accordingly, Relator's petition for writ of mandamus is *dismissed*.

SAM GRIFFITH
Justice

Opinion delivered October 31, 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(DO NOT PUBLISH)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

OCTOBER 31, 2012

NO. 12-12-00288-CR

RASHAAN GOLDEN,
Relator
v.
HON. CHRISTI J. KENNEDY,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by **RASHAAN GOLDEN**, who is the relator in Cause No. 241-0138-01, pending on the docket of the 241st Judicial District Court of Smith County, Texas. Said petition for writ of mandamus having been filed herein on September 4, 2012, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED**.

Sam Griffith, Justice.

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