

**NO. 12-16-00055-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*IN RE:* §  
*REGINALD ALEXANDER,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

---

***MEMORANDUM OPINION***  
***PER CURIAM***

Relator filed this petition for writ of mandamus contending that his conviction is void because the statute under which he was convicted does not include the enacting clause required by Article III, Section 29 of the Texas Constitution. He seeks an order directing the trial court to vacate its order denying his “writ of nunc pro tunc” and to issue an order dismissing the charge against him and vacating his conviction. The respondent is the Honorable Christi J. Kennedy, Judge of the 114th Judicial District Court, Smith County, Texas. We dismiss the petition.

The only proper means of collaterally attacking a final felony conviction is by a petition for writ of habeas corpus under article 11.07 of the code of criminal procedure. TEX. CODE CRIM. PROC. ANN. art. 11.07 § 5 (West 2005) (“After conviction the procedure outlined in this Act shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner.”). This court has no jurisdiction over complaints that may be raised only by postconviction habeas corpus proceedings brought under article 11.07. *See id.* arts. 11.05, 11.07 (West 2005). Only the convicting court and the court of criminal appeals have any role to play in attempts to raise postconviction challenges to final felony convictions. *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.–Houston [1st Dist.] 2001, orig. proceeding). For that reason, we may not grant a writ of mandamus, a writ of injunction, or any other writ of any kind that would result in vacating a judgment of conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding) (holding that in granting writ of

mandamus to vacate conviction appellate court found void, court of appeals usurped exclusive authority of court of criminal appeals to grant postconviction relief).

We *dismiss* the petition for want of jurisdiction.

Opinion delivered March 9, 2016.

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

(DO NOT PUBLISH)



**COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**  
**JUDGMENT**

**MARCH 9, 2016**

**NO. 12-16-00055-CR**

**REGINALD ALEXANDER,**  
Relator  
V.

**HON. CHRISTI J. KENNEDY,**  
Respondent

---

**ORIGINAL PROCEEDING**

---

ON THIS DAY came to be heard the petition for writ of mandamus filed by In **REGINALD ALEXANDER**, who is the relator in Cause No. 114-0802-09, pending on the docket of the 114th District Court Judicial District Court of Smith, Texas. Said petition for writ of mandamus having been filed herein on February 24, 2016, 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 for want of jurisdiction**.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*