

NO. 12-17-00371-CR
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
GAYLAND DECLOYCE WILLIAMS, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Gayland Decloyce Williams, an inmate acting pro se, filed this original proceeding in which he contends that the trial court deprived him of the right to effective assistance of counsel and no evidence supports his conviction for evading arrest with a motor vehicle.¹

On November 30, 2017, this Court notified Relator that his petition failed to comply with Texas Rules of Appellate Procedure 52.3 and 52.7 and that the petition would be dismissed unless Relator provided a corrected, amended petition on or before December 11. On December 11, Relator filed a motion for extension of time to file an amended brief, but because the motion failed to comply with rule of appellate procedure 9.5, we gave Relator until December 21 to file a proper motion. Without filing a proper motion, Relator subsequently filed an amended petition, which still failed to comply with Rules 52.3 and 52.7.

Additionally, Relator's conviction for the third degree felony of evading arrest or detention with a motor vehicle is final. See *Williams v. State*, No. 12-15-00065-CR, 2015 WL 2405561 (Tex. App.—Tyler May 20, 2015, no pet.) (mem. op., not designated for publication). Courts of appeals do not have authority to issue writs of mandamus regarding complaints that may only be raised by a post-conviction habeas corpus proceeding. See *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); see also *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). “To complain about any action, or

¹ Respondent is the Honorable Jack Skeen, Jr., judge of the 241st Judicial District Court in Smith County, Texas. The Real Party in Interest is the State of Texas.

inaction, of the convicting court, the applicant may seek mandamus relief from the Court of Criminal Appeals.” *In re Briscoe*, 230 S.W.3d 196, 196-97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding). Accordingly, for these reasons, we *dismiss* the petition for writ of mandamus.

Opinion delivered January 3, 2018.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JANUARY 3, 2018

NO. 12-17-00371-CR

GAYLAND DECLOYCE WILLIAMS,
Relator
V.

HON. JACK SKEEN, JR.,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Gayland Decloyce Williams; who is the relator in Cause No. 241-1607-14-A. Said petition for writ of mandamus having been filed herein on November 30, 2017, and the same having been duly considered, because it is the opinion of this Court that the writ 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**.

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