

Opinion issued July 14, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-20-00446-CR

NO. 01-20-00447-CR

NO. 01-20-00448-CR

NO. 01-20-00449-CR

NO. 01-20-00450-CR

NO. 01-20-00451-CR

NO. 01-20-00452-CR

NO. 01-20-00453-CR

NO. 01-20-00454-CR

NO. 01-20-00455-CR

NO. 01-20-00456-CR

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**IN RE WILLIAM ANDREW ALLEN, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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## MEMORANDUM OPINION

Appellant was previously convicted of eight counts of indecency with a child, one count of sexual assault of a child, and two counts of aggravated sexual assault of a child. *See Allen v. State*, Nos. 01-10-00652-CR et al, 2012 WL 2106550 (Tex. App.—Houston [1st Dist.] June 7, 2012, pet. ref'd). Punishment was assessed at 40 years confinement on both counts of aggravated sexual assault and 20 years confinement on each count of indecency with a child and sexual assault of a child, with both sentences to run concurrently. *See id.* Appellant appealed his convictions and we issued an opinion affirming the convictions on June 7, 2012. *See id.* Our mandate issued on February 22, 2013.

On May 20, 2020, relator filed a “motion for leave to file a writ of mandamus,” arguing that this Court should remand the cases to the trial court for a “new and fair trial.”<sup>1</sup> We interpret relator’s filings as a petition for writ of mandamus. On July 7, 2020, relator filed a “Supplement to Writ of Habeas Corpus,” arguing that the underlying trial court improperly consolidated his trial and that the prosecutor withheld evidence.

Relator’s mandamus petition and his “Supplement to Writ of Habeas Corpus” are collateral attacks on a final felony conviction and, therefore, fall

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<sup>1</sup> The underlying case is *The State of Texas v. William Andrew Allen*, cause numbers 12976, 12977, 12978, 12979, 12980, 12981, 12982, 12983, 12984, 12985, & 12986, pending in the 155th District Court of Waller County, Texas, the Honorable Jeff R. Steinhauser presiding.

within the scope of a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. art. 11.07. Article 11.07 provides the exclusive means to challenge the conviction. *See id.*; *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013). Although “the courts of appeals have mandamus jurisdiction in criminal matters, only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings.” *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding); *see also In re Briscoe*, 230 S.W.3d 196, 196 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding) (“Article 11.07 contains no role for the courts of appeals.”). Accordingly, we do not have jurisdiction over relator’s filings.

We dismiss the petition and supplement for want of jurisdiction. We overrule any pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Lloyd and Countiss.

Do not publish. *See* TEX. R. APP. P. 47.2(b).