

Opinion issued July 23, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00490-CR

IN RE ANDRE JONES, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On August 7, 2003, relator, Andre Jones, was convicted of aggravated sexual assault and sentenced to 45 years in prison (trial court cause number 917355). Appellant appealed his conviction and we issued an opinion affirming the conviction on January 27, 2005. *See Jones v. State*, No. 01-03-00828-CR, 2005 WL 174484, at *5 (Tex. App.—Houston [1st Dist.] Jan. 27, 2005, no pet.) (mem. op., not designated for publication). Our mandate issued on June 15, 2005.

On July 6, 2020, relator filed an “Amended Application for a Writ of Mandamus,” arguing that this Court should order the respondent to release him from an extraordinary restraint. On July 14, 2020 and July 16, 2020, relator filed a “Second Amended Application for Writ of Mandamus,” also arguing for his release.¹

Relator’s mandamus petitions are collateral attacks on a final felony conviction and, therefore, fall 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 mandamus petitions.

¹ The underlying case is *The State of Texas v. Andre Jones*, cause number 917355, pending in the 182nd District Court of Harris County, Texas, the Honorable Danilo Lacayo presiding.

We dismiss the petitions 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Do not publish.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).