

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00186-CV

In re Darnell Delk

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Darnell Delk, an inmate in the Texas Department of Criminal Justice, has filed a pro se petition for writ of mandamus in this Court. The substance of his filing seeks post-conviction habeas corpus relief from his 1985 felony conviction, more specifically requesting that this Court direct the Texas Court of Criminal Appeals to address his successive 2005 habeas application on the merits and that his 1986 direct appeal be considered not adjudicated.

The exclusive post-conviction remedy in final felony convictions in Texas courts is through a writ of habeas corpus pursuant to Article 11.07 of the Texas Code of Criminal Procedure. Tex. Code Crim. Proc. art. 11.07 § 5 (“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.”); *Olivo v. State*, 918 S.W.2d 519, 525 n.8 (Tex. Crim. App. 1996). Only the Texas Court of Criminal Appeals has jurisdiction over post-conviction writs of habeas corpus in felony cases. *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). This Court’s mandamus jurisdiction is expressly limited to: (1) writs against certain types of trial-court judges in this Court’s district, and (2) all writs necessary to enforce our jurisdiction.

See Tex. Gov't Code § 22.221. Delk has not demonstrated that issuing a writ of mandamus against the Texas Court of Criminal Appeals is necessary to enforce our jurisdiction. Accordingly, we dismiss the petition for writ of mandamus for want of jurisdiction.

Chari L. Kelly, Justice

Before Justices Goodwin, Kelly, and Smith

Filed: May 28, 2020