Opinion filed April 21, 2011



In The

Eleventh Court of Appeals

No. 11-11-00091-CR

IN RE BERNARD WASHINGTON

Original Mandamus Proceeding

M E M O R A N D U M O P I N I O N

Relator, Bernard Washington, has filed a pro se petition for writ of mandamus, seeking to compel the trial court to "vacate the trial court's order of conviction under the Texas Rules of Appellate Procedure, 43.2(e) to vacate the trial court's judgment and dismiss the case." The jury convicted relator of two counts of assault on a public servant. We affirmed relator's convictions in our previous opinion issued in his direct appeal. *Washington v. State*, No. 11-08-00250-CR, 2009 WL 1912763 (Tex. App.—Eastland July 2, 2009, pet. ref'd) (mem. op., not designated for publication). He now seeks a postconviction order from our court voiding his convictions. We dismiss for want of jurisdiction.

Only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2010); *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that "Article 11.07 provides the

exclusive means to challenge a final felony conviction."). Because the relief sought in relator's petition relates to postconviction relief from an otherwise final felony conviction, we are without jurisdiction to consider his petition for writ of mandamus.

We dismiss relator's request for mandamus relief for want of jurisdiction.

PER CURIAM

April 21, 2011

Do not publish.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

Panel[1] consists of: Wright, C.J.,
McCall, J., and Hill, J.[2]

[1]Rick Strange, Justice, resigned effective April 17, 2011. The justice position is vacant pending appointment of a successor by the governor.

[2]John G. Hill, Former Justice, Court of Appeals, 2nd District of Texas at Fort Worth, sitting by assignment.