

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

In re Jody Levis Johnson

No. 05-22-01250-CV (Tex. App.—Dallas Dec. 2, 2022) · No. No. 05-22-01250-CV · Decided December 2, 2022

SUMMARY

The Fifth District Court of Appeals of Texas denied Jody Levis Johnson's petition for writ of mandamus challenging the trial court's dismissal of his petition for habeas relief under Texas Code of Criminal Procedure article 11.07. The court held that the petition failed to comply with Texas Rule of Appellate Procedure 52 and noted that only the Texas Court of Criminal Appeals has jurisdiction to grant article 11.07 habeas relief.

OPINION

PER CURIAM.

DENY and Opinion Filed December 2, 2022 In The Court of Appeals Fifth District of Texas at Dallas No. 05-22-01250-CV IN RE JODY LEVIS JOHNSON, Relator Original Proceeding from the 194th Judicial District Court Dallas County, Texas Trial Court Cause No. W94-53385-P MEMORANDUM OPINION Before Justices Reichek, Nowell, and Goldstein Opinion by Justice Nowell In his petition for writ of mandamus, relator appears to challenge the trial court's dismissal of his petition for article 11.07 habeas relief.

We deny the petition. To establish a right to mandamus relief in a criminal case, the relator must show that the trial court violated a ministerial duty and there is no adequate remedy at law. In re State ex rel. Weeks, 391 S.W.3d 117, 122 (Tex. Crim. App. 2013) (orig. proceeding).

Here, the mandamus petition does not comply with Rule 52 in numerous respects, and, in any event, only the Texas Court of Criminal Appeals has jurisdiction to grant article 11.07 habeas relief. See TEX. CODE CRIM. PROC. ANN. art. 11.07, §§ 3, 5; Ater v. Eighth Court of Appeals, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding).

Because we conclude that relator failed to show his entitlement to mandamus relief, we deny the petition. See TEX. R. APP. P. 52.8(a). 221250f.p05 /Erin A. Nowell// ERIN A. NOWELL JUSTICE –2–