



In re Deleson

2000 | Cited 0 times | Court of Appeals of Texas | August 3, 2000

Original Proceeding on Petition for Writ of Mandamus

OPINION

The relator, Richard Joseph DeLeon, has filed a petition for writ of mandamus claiming that he was constitutionally entitled to have a hearing on affirmative findings of a deadly weapon in trial court cause no. 721,998 in the 262nd District Court of Harris County, Texas.

However, on February 3, 2000, the Court issued an opinion in cause no. 01-97-01146-CR, an appeal from the judgment in the same trial court cause number. The Court dismissed the appeal for lack of jurisdiction, holding:

We have reviewed the record and counsel's brief. We hold we do not have jurisdiction of this appeal because any complaint appellant had about the original plea proceeding should have been made when deferred adjudication community supervision was first imposed.

Additionally, mandate has issued in trial court cause no. 721,998. This Court has no jurisdiction to grant habeas corpus relief from a final conviction in a felony case. See Tex. Code Crim. P. Ann. art. 11.07 (Vernon Supp. 2000).

Accordingly, the petition for writ of mandamus is denied.

Do not publish. Tex. R. App. P. 47.

1. The Honorable Frank C. Price, former Justice, Court of Appeals, First District of Texas at Houston, participating by assignment.

