

Dismissed and Opinion Filed December 11, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01483-CR

ESTEBAN GARCIA, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause No. 366-83445-2016

MEMORANDUM OPINION

Before Justices Osborne, Partida-Kipness, and Pedersen, III
Opinion by Justice Pedersen, III

After a jury found Esteban Garcia guilty of illegal dumping, the trial court assessed punishment at two years' confinement in a state jail facility, probated for two years. On direct appeal, appellant challenged the sufficiency of the evidence to support his conviction. We affirmed his conviction. *See Garcia v. State*, No. 05-18-00133-CR, 2019 WL 4050991 (Tex. App.—Dallas March 27, 2019, pet. ref'd) (mem. op., not designated for publication). Our mandate issued October 16, 2019. Appellant filed a notice of appeal on December 2, 2019, seeking again to appeal the trial court's January 10, 2018 judgment.

This Court lacks jurisdiction to consider a second appeal from appellant's final conviction. The exclusive post-conviction remedy in final felony convictions in Texas courts is by a writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. TEX. CODE CRIM.

PROC. ANN. art. 11.07, § 5 (providing that “[a]fter 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”); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991). Jurisdiction to grant post-conviction habeas corpus relief in felony cases rests exclusively with the Texas Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth District*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995).

Because we lack jurisdiction, we dismiss this appeal.

Do Not Publish
TEX. R. APP. P. 47.2(b)

/Bill Pedersen, III//

BILL PEDERSEN, III
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ESTEBAN GARCIA, Appellant

No. 05-19-01483-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 366th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 366-83445-2016.
Opinion delivered by Justice Pedersen, III,
Justices Osborne and Partida-Kipness
participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered this 11th day of December, 2019.