

DISMISSED and Opinion Filed November 13, 2023



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

No. 05-23-01111-CV

IN RE BRIAN KEITH MELTON, Relator

**Original Proceeding from the 196th Judicial District Court
Hunt County, Texas
Trial Court Cause No. 32651-CR**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Carlyle, and Garcia
Opinion by Justice Garcia

In his November 3, 2023 petition for writ of mandamus, relator complains of the trial court's denial of his pro se motion to vacate the judgment and appears to ask this Court to vacate the judgment on the ground that it is void. The mandamus record shows that, pursuant to a plea-bargain agreement with the State, relator pleaded guilty to violating a protective order with two prior qualifying convictions.

The petition does not comply with Rule 52 of the Texas Rules of Appellate Procedure, and, in any event, we lack jurisdiction to entertain the petition. This proceeding is a collateral attack on a final conviction and, therefore, falls within the scope of a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07. Only the

Texas Court of Criminal Appeals has jurisdiction in final, post-conviction felony proceedings. *Id.*; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

Accordingly, we dismiss this proceeding for want of jurisdiction.

/Dennise Garcia/

DENNISE GARCIA

JUSTICE

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