

Opinion issued November 21, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00918-CR

MICHAEL HOSEA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 232nd District Court
Harris County, Texas
Trial Court Cause No. 9415203**

MEMORANDUM OPINION

Appellant, Michael Hosea, attempts a third appeal of his March 31, 1995 conviction for murder. This Court previously affirmed the judgment of the trial

court. *Hosea v. State*, No. 01–95–00358–CR, 1997 WL 709453 (Tex. App.—Houston [1st Dist.] Nov. 6, 1997, pet. ref’d.) (mem. op., not designated for publication). In addition, the Court dismissed appellant’s second appeal. *Hosea v. State*, No. 01–11–01050–CR, 2012 WL 2345351 (Tex. App.—Houston [1st Dist.] June 21, 2012, no pet.) (mem. op., not designated for publication).

On October 5, 2011, appellant filed a motion for new trial. The record reflects a notice from the district clerk to appellant, stating that the trial court denied the motion. On September 12, 2012, appellant filed a notice of appeal, stating that he sought to challenge the “district court’s ruling on out-of time motion for new trial filed May 10, 2012, an appealable ruling.”

The exclusive post-conviction remedy in final felony convictions in Texas courts, as here, is through a writ of habeas corpus pursuant to Texas Code of Criminal Procedure article 11.07. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (Vernon Supp. 2012) (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”); *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). This Court lacks jurisdiction to consider appellant’s appeal.

Accordingly, we dismiss the appeal for lack of jurisdiction. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

Do not publish.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