



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-17-00063-CV

**EX PARTE LAUDERDALE**

From the 386th Judicial District Court, Bexar County, Texas  
Trial Court No. 1992JUV1331 W2  
Honorable Laura Parker, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Karen Angelini, Justice  
Irene Rios, Justice

Delivered and Filed: March 29, 2017

**DISMISSED FOR LACK OF JURISDICTION**

In the underlying criminal matter, a juvenile court waived its jurisdiction and transferred Winfred Lauderdale's criminal case to district court, where he stood trial, certified as an adult, against a felony charge of capital murder. On July 22, 1994, a jury convicted Lauderdale of capital murder, an offense he committed when he was fifteen years old. On December 13, 2016, Lauderdale filed an application for writ of habeas corpus in the original juvenile court challenging that court's transfer order from juvenile court to criminal district court. On December 30, 2016, the juvenile court denied the application for writ of habeas corpus "without a hearing and without ruling on the merits of the application." Lauderdale appealed the court's denial of his application for writ of habeas corpus.

Only the Court of Criminal Appeals possesses authority to grant relief in post-conviction habeas proceedings when, as here, there is a final felony conviction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (West 2015); *Lewis v. State*, 01-11-00152-CR, 2011 WL 5623416, at \*1 (Tex. App.—Houston [1st Dist.] Nov. 17, 2011, no pet.). The procedures outlined in Article 11.07 of the Texas Code of Criminal Procedure do not apply to dispositions in juvenile proceedings; however, here, Lauderdale’s application for writ of habeas corpus arises from a conviction in a criminal district court where he was certified to stand trial as an adult. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07; *In re J.W.A.*, 03-03-00464-CV, 2005 WL 2574024, at \*4 (Tex. App.—Austin Oct. 13, 2005, no pet.). Criminal proceedings against a juvenile certified to stand trial as an adult will be governed by the Code of Criminal Procedure, including post-conviction habeas proceedings. TEX. FAM. CODE ANN. § 54.02(h) (West 2014); TEX. CODE CRIM. PROC. ANN. art. 11.07 §§ 1,2,3,5.

In addition to this ground for dismissal, the courts of appeals lack jurisdiction to review a trial court’s denial of a petitioner’s post-conviction application for writ of habeas corpus. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3(a) (West 2015); *Bynum v. State*, 12-03-00395-CR, 2003 WL 22972014, at \*1 (Tex. App.—Tyler Dec. 17, 2003, no pet.); *Mac Dennis v. State*, 11-01-00403-CR, 2002 WL 32345375, at \*1 (Tex. App.—Eastland Jan. 10, 2002, no pet.).

For these reasons, this Court must dismiss this appeal for lack of jurisdiction. Accordingly, the appeal is dismissed. *See* TEX. R. APP. P. 42.3(a).

PER CURIAM