

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00365-CV

IN RE LIONEL D. MURPHY

Original Proceeding

MEMORANDUM OPINION

On August 6, 2010, relator Lionel D. Murphy filed a writ of mandamus,¹ in which he complains of the trial court's denial of his petition for a writ of error *coram nobis*. Murphy contends that he was improperly convicted of two offenses in a single cause number, and that the trial court improperly corrected the judgment by entering a judgment *nunc pro tunc*.

The original jurisdiction granted to this Court by the Texas Constitution is "under such restrictions and regulations as may be prescribed by law." TEX. CONST. art. V, § 6. Our writ power includes writs of mandamus against district and county court judges within our district, writs of habeas corpus in civil cases, and "other writs necessary to

¹Murphy filed a notice of appeal; however, given the absence of a record and the nature of the relief Murphy requests, we have construed Murphy's brief as a petition for writ of mandamus.

enforce the jurisdiction of the court.” TEX. GOV’T CODE ANN. § 22.221(a),(b) (Vernon 2004). The writ Murphy requests is not necessary to enforce our jurisdiction. In addition, the writ of *coram nobis* is not recognized in Texas. *See Ex parte McCune*, 156 Tex. Crim. 213, 246 S.W.2d 171, 172 (1952). Article 11.07 of the Code of Criminal Procedure provides the exclusive means to challenge a final conviction, and jurisdiction to grant post-conviction habeas corpus relief on a final felony conviction rests exclusively with the Court of Criminal Appeals. *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3 (Vernon Supp. 2009). We deny the petition for writ of mandamus.

WRIT DENIED.

PER CURIAM

Opinion Delivered September 9, 2010

Before McKeithen, C.J., Gaultney and Kreger, JJ.