

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00461-CR

WILLIAM ROY REDWINE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 410th District Court
Montgomery County, Texas
Trial Cause No. 03-08-05840-CR**

MEMORANDUM OPINION

William Roy Redwine was convicted on two counts of aggravated sexual assault of a child. We affirmed the trial court's judgment in an unpublished opinion. *See Redwine v. State*, No. 09-03-00566-CR, 2005 WL 550660, *3 (Tex. App.—Beaumont Mar. 9, 2005, no pet.) (mem. op., not designated for publication). Our mandate issued May 24, 2005. On October 22, 2010, Redwine filed a notice of appeal from the trial court's September 9, 2010 order denying Redwine's motion in arrest of judgment. We questioned our jurisdiction over the attempted appeal. In his response, Redwine

conceded that the judgment had been affirmed in 2005 and argued that the appeal should be allowed to proceed because he claims the judgment is void.

We lack jurisdiction over this attempted appeal. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive remedy for a state court challenge to a final felony conviction. Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2010); *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). “It is well settled that only the court of criminal appeals has the authority to set aside a criminal conviction after the plenary power of the trial court has expired.” *Brunelle v. State*, 113 S.W.3d 788, 790 (Tex. App.—Tyler 2003, no pet.) (citing *Hoang v. State*, 872 S.W.2d 694, 698 (Tex. Crim. App. 1993)). Accordingly, the appeal is dismissed.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered November 24, 2010
Do Not Publish

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