



IN THE  
TENTH COURT OF APPEALS

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No. 10-18-00030-CR

EX PARTE FELMON LAKEITH LAURY

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Original Proceeding

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MEMORANDUM OPINION

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Felmon Lakeith Laury has filed a motion for leave to file a petition for writ of habeas corpus with this Court. For the reasons discussed herein, Laury's motion is denied, and this proceeding is dismissed for want of jurisdiction.

Laury was convicted of the offense of aggravated assault with a deadly weapon and sentenced to 20 years in prison. Laury appealed his conviction, and the appeal was dismissed pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). *Laury v. State*, No. 11-10-00317-CR, 2012 Tex. App. LEXIS 2313 (Tex. App.—Eastland Mar. 22, 2012, no pet.) (not designated for publication).

Laury requests that we declare the judgment under which he is incarcerated void. At its core, the relief Laury is seeking is post-conviction relief from an otherwise final

felony judgment of conviction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015). Laury asserts that his petition is filed pursuant to Rule 72.1 and Rule 52 of the Texas Rules of Appellate Procedure. Rule 72.1 relates to procedures before the Texas Court of Criminal Appeals and does not apply to this Court. Rule 52 relates to original proceedings in the courts of appeals, but like the Petition for Writ of Mandamus Laury filed with this Court four years ago, *see In Re Laury*, No. 10-14-00029-CR, 2014 Tex. App. Lexis 1919 (Tex. App.—Waco Feb. 20, 2014, orig. proceeding) (not designated for publication), Laury’s current pleading is actually an effort to circumvent the procedure for an article 11.07 writ.<sup>1</sup>

As an intermediate appellate court in Texas, our jurisdiction is limited. We do not have habeas corpus jurisdiction of any request for post-conviction relief in a felony proceeding. *See Olivo v. State*, 918 S.W.2d 519, 525 n.8 (Tex. Crim. App. 1996); *see also* TEX. CODE CRIM. PROC. ANN. arts. 11.05, 11.07 (West 2015); *Ex parte Mendenhall*, 209 S.W.3d 260, 261 (Tex. App.—Waco 2006, no pet.). Laury is serving 20 years for the felony conviction of aggravated assault with a deadly weapon. Because we have no jurisdiction, Laury’s request to file the petition for a writ of habeas corpus is denied; and this proceeding is dismissed for want of jurisdiction.

TOM GRAY  
Chief Justice

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<sup>1</sup> Laury has filed four article 11.07 petitions for writ of habeas corpus regarding this conviction with the Court of Criminal Appeals, all to no avail. One petition was dismissed, the remaining three were denied.

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Motion denied

Pet. dismissed

Opinion delivered and filed February 14, 2018

Do not publish

[OT06]

