

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00577-CR

Tommy Joe Kelley, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 390TH JUDICIAL DISTRICT
NO. D-1-DC-11-300379, HONORABLE JULIE H. KOCUREK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Tommy Joe Kelley has filed a notice of appeal from a decision of the Court of Criminal Appeals denying without a written order Kelley's application for writ of habeas corpus.¹ The State has filed a motion to dismiss, arguing that we do not have jurisdiction over this appeal. We agree. Only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings, and we have no authority to review that court's decisions.² Accordingly, we grant the State's motion and dismiss the appeal for want of jurisdiction.

¹ See *Ex parte Kelley*, WR-83,623-01 (Tex. Crim. App. Aug. 5, 2015).

² See Tex. Code Crim. Proc. art. 11.07; see also *Ex parte Wilson*, No. 06-12-00135-CR, 2012 Tex. App. LEXIS 7649, at *2 (Tex. App.—Texarkana Sept. 6, 2012, orig. proceeding) (mem. op., not designated for publication).

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Bourland

Dismissed for Want of Jurisdiction

Filed: February 12, 2016

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