

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00729-CR

Jorge Mendoza, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE 426TH DISTRICT COURT OF BELL COUNTY
NO. 64,862, JUDGE FANCY H. JEZEK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Jorge Mendoza, Jr. seeks to appeal his 2010 final judgments of conviction on two felony counts of indecency with a child by sexual contact. *See* Tex. Penal Code § 22.011. This Court affirmed those convictions in 2013. *Mendoza v. State*, 03-10-00344-CR, 2013 Tex. App. LEXIS 6698, at *11 (Tex. App.—Austin May 24, 2013, pet. ref'd) (mem. op., not designated for publication). Mendoza's notice of appeal filed October 4, 2019, states that he is seeking an out-of-time appeal for an "illegal" and "void" conviction.

However, the proper vehicle for seeking an out-of-time appeal is a writ of habeas corpus from the Texas Court of Criminal Appeals. *Portley v. State*, 89 S.W.3d 188, 189 (Tex. App.—Texarkana 2002, no pet.); *see* Tex. Code Crim. Proc. art. 11.07. This Court has no jurisdiction to grant such habeas-corpus relief from a final felony conviction. *See Board of*

Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist., 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (“Jurisdiction to grant post conviction habeas corpus relief on a final felony conviction rests exclusively with this Court.”); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (“We are the only court with jurisdiction in final post-conviction felony proceedings.”); *Ex parte Alexander*, 685 S.W.2d 57, 60 (Tex. Crim. App. 1985) (“It is well established that only the Court of Criminal Appeals possesses the authority to grant relief in a post-conviction habeas corpus proceeding where there is a final felony conviction.”).

Accordingly, we dismiss the appeal for want of jurisdiction.

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Triana and Smith

Dismissed for Want of Jurisdiction

Filed: October 17, 2019

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