

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00576-CR

Ex parte Theodore Timothy Demaree

**FROM THE 368TH DISTRICT COURT OF WILLIAMSON COUNTY
NO. 16-3332-K368, THE HONORABLE RICK J. KENNON, JUDGE PRESIDING**

MEMORANDUM OPINION

Theodore Timothy Demaree was convicted in 2017 of the offenses of aggravated robbery with a deadly weapon and unlawful possession of a firearm by a felon. This Court affirmed his convictions on appeal. *See Demaree v. State*, No. 03-17-00710-CR, 2018 WL 5668281, at *6 (Tex. App.—Austin Nov. 1, 2018, no pet.) (mem. op., not designated for publication). In August 2022, Demaree filed in the Court of Criminal Appeals an Article 11.07 application for writ of habeas corpus. *See* Tex. Code Crim. Proc. art. 11.07, § 3(a). Pursuant to Article 11.07, the district court that convicted Demaree made findings of fact and conclusions of law, and Demaree has filed in this Court a notice of appeal from the district court’s findings. However, only the Court of Criminal Appeals has jurisdiction to review the district court’s findings under Article 11.07. *See id.* art. 11.07, § 3(d); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also 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 Demaree’s appeal for want of jurisdiction.

Gisela D. Triana, Justice

Before Chief Justice Byrne, Justices Triana and Smith

Dismissed for Want of Jurisdiction

Filed: October 31, 2022

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