

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS

		§	
ANDREW MCGREW,			No. 08-17-00204-CR
		§	
	APPELLANT,		Appeal from the
		§	
V.			143rd District Court
		§	
THE STATE OF TEXAS,			of Ward County, Texas
		§	
	APPELLEE.		(TC# 04-05-0463-CRW)
		§	

MEMORANDUM OPINION

Andrew McGrew, *pro se*, is attempting to challenge his conviction of robbery by filing a petition for writ of error. We dismiss the appeal for lack for jurisdiction.

In 2004, McGrew was convicted of robbery and sentenced to imprisonment for a term of thirteen years. The trial court also found McGrew is contempt of court twice for behavior occurring in the presence of the court, and the court assessed punishment at confinement for 180 days for each contempt violation. The judgment of conviction provided that the thirteen-year sentence would commence after McGrew had served the contempt sentences. McGrew appealed the robbery conviction, but we dismissed the appeal because the trial court's certification reflected that it was a plea bargain case and McGrew had no right to appeal. *See Andrew Dennis McGrew v. State*, No. 08-04-00303-CR, 2005 WL 82248 (Tex.App.--El Paso January 13, 2005, pet. ref'd)(mem. op.). On September 18, 2017, McGrew filed a petition for writ of error in an effort to

appeal his robbery conviction. He argues that his sentence is illegal because the trial court "inserted the contempt charges" into his original thirteen-year sentence. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive remedy for felony post-conviction relief in state court. *See* Tex.Code Crim. Proc. Ann. art. 11.07 (West 2015). The Court of Criminal Appeals has exclusive jurisdiction to grant post-conviction habeas corpus relief in felony cases under Article 11.07 of the Code of Criminal Procedure. *See* Tex.Code Crim.Proc.Ann. art. 11.07, § 3 (West 2015); *Padieu v. Court of Appeals of Texas, Fifth District*, 392 S.W.3d 115, 117 (Tex.Crim.App. 2013) (orig. proceeding) (per curiam); *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex.Crim.App. 1995). We do not have jurisdiction to address McGrew's complaints regarding his sentence. Accordingly, we dismiss this appeal for lack of jurisdiction.

October 18, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.

(Do Not Publish)