

Opinion filed January 22, 2021



In The
Eleventh Court of Appeals

No. 11-21-00009-CR

IN RE ELMO FORTENBERRY

Original Proceeding

MEMORANDUM OPINION

Elmo Fortenberry, proceeding pro se, has filed a motion for leave to file a writ of error. In the attached writ of error, Fortenberry complains that unethical conduct by the prosecutor during proceedings related to Fortenberry’s application for writ of habeas corpus requires that the application be reviewed “in a different light.” Fortenberry also complains about error in the underlying trial. Fortenberry requests that we reverse the criminal conviction.

It appears that the substance of the relief sought by Fortenberry is postconviction relief from a final felony conviction—relief for which the habeas corpus procedure set out in Article 11.07 of the Code of Criminal Procedure provides the exclusive remedy. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015). Article 11.07 vests complete jurisdiction for such relief in the Texas Court of

Criminal Appeals. *Id.* art. 11.07, §§ 3, 5; *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 484 (Tex. Crim. App. 1995) (orig. proceeding); *Hoang v. State*, 872 S.W.2d 694, 697 (Tex. Crim. App. 1993).

We dismiss this proceeding for want of jurisdiction.

PER CURIAM

January 22, 2021

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,
Trotter, J., and Williams, J.