

DISMISSED and Opinion Filed January 16, 2019



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00039-CV

IN RE SUGAR RAY FRANKLIN, Relator

**Original Proceeding from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F1155114**

MEMORANDUM OPINION

Before Justices Brown, Schenck, and Reichek
Opinion by Justice Reichek

Relator was convicted of aggravated assault with a deadly weapon in 2012, and the trial court assessed punishment at five years' confinement. This Court affirmed the conviction on direct appeal on September 25, 2013. *See Franklin v. State*, 402 S.W.3d 894, 895 (Tex. App.—Dallas 2013, no pet.). In this original proceeding, relator asks this Court to compel the trial court to vacate the 2012 judgment and expunge it from relator's record.

This proceeding is a collateral attack on a final conviction and, therefore, falls within the scope of a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07. Only the Texas Court of Criminal Appeals has jurisdiction in final, post-conviction felony proceedings. *Id*; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

Accordingly, we dismiss this proceeding for want of jurisdiction.

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

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