

DISMISSED and Opinion Filed February 5, 2021



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

No. 05-21-00066-CR

EX PARTE RODNEY COLLINS SMITH

**On Appeal from the 292nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. W18-00143-V(A)**

MEMORANDUM OPINION

Before Justices Molberg, Reichel, and Nowell
Opinion by Justice Nowell

Rodney Collins Smith has filed a notice of appeal seeking to appeal an adverse decision by the court of criminal appeals on his application for writ of habeas corpus. We dismiss the appeal for want of jurisdiction.

Our records show appellant was convicted of murder and sentenced to life in prison. On direct appeal, the Court modified and affirmed the trial court's judgment. *See Smith v. State*, No. 05-18-00491-CR, 2019 WL 1615353, at *1 (Tex. App.—Dallas Apr. 15, 2019, pet. ref'd). In his notice of appeal, appellant states he is appealing a November 4, 2020 decision denying relief on his writ application docketed as cause number W18-00143-V(A) and WR-91,767-01. Enclosed with the notice of appeal is a postcard from the court of criminal appeals indicating it had, on

November 4, 2020, denied without written order appellant's writ application docketed as trial court no. W18-00143-V(A) and as writ no. WR-91,767-01. The clerk's record has been filed and it confirms appellant is attempting to appeal an adverse decision of the court of criminal appeals.

After a final felony conviction, the court of criminal appeals has exclusive authority to grant post-conviction habeas relief. *See* TEX. CODE CRIM. PROC. art. 11.07, § 5; *Bd. of Pardons and Paroles ex rel. Keene v. The Eighth Court of Appeals*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (orig. proceeding) (per curiam).

A court of appeals may only review appeals when authorized by law. *See Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008). Article 11.07 does not authorize this Court to review the court of criminal appeals' determinations on an article 11.07 writ application. *See* TEX. CODE CRIM. PROC. art. 11.07, §§ 3, 5; *Keene*, 910 S.W.2d at 483; *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (per curiam).

Because we have no jurisdiction to review the denial of appellant's writ application, we dismiss the appeal.

Do Not Publish
TEX. R. APP. P. 47.2(b)
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/Erin A. Nowell/

ERIN A. NOWELL
JUSTICE



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

JUDGMENT

EX PARTE RODNEY COLLINS
SMITH

No. 05-21-00066-CR

On Appeal from the 292nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. W18-00143-
V(A).

Opinion delivered by Justice Nowell.
Justices Molberg and Reichel
participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered this 5th day of February, 2021.