

Opinion issued October 5, 2011



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-09-00957-CR

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**CHARLES RAY EDWARDS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 209th District Court  
Harris County, Texas  
Trial Court Cause No. 328965**

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**MEMORANDUM OPINION**

In 1981, appellant Charles Ray Edwards was convicted of aggravated

robbery, and his conviction was affirmed on appeal. *See Charles Ray Edwards v. State*, No. 01-81-0497-CR (Tex. App.—Houston [1st Dist.] July 1, 1982, no pet.) (not designated for publication). In 2008, on the trial of a subsequent offense, the 1981 conviction was used to enhance appellant’s punishment. On October 14, 2009, appellant, proceeding pro se, filed a second notice of appeal challenging the 1981 conviction.

This court lacks jurisdiction to consider a second appeal from appellant’s final conviction. The exclusive post-conviction remedy in final felony convictions in Texas courts is through a writ of habeas corpus pursuant to Texas Code of Criminal Procedure article 11.07. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (West Supp. 2010) (providing that “[a]fter conviction, the procedure outlined in this Act shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner”); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991).

In addition, to the degree appellant asserts in his notice of appeal that he is seeking habeas relief, we lack jurisdiction to address his issues. Jurisdiction to grant post-conviction habeas corpus relief in felony cases rests exclusively with the Texas Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth*

*District*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995).

Accordingly, because we lack jurisdiction over the appeal, we dismiss. *See* TEX. R. APP. P. 25.2(d), 42.3(a), 43.2(f). All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Jennings, Sharp, and Brown.

Do not publish.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