

Opinion issued November 17, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00152-CR

AUNDRI LEWIS, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 230th District Court
Harris County, Texas
Trial Court Case No. 1024294-A

MEMORANDUM OPINION

A jury found appellant, Aundri Lewis, guilty of aggravated assault with a deadly weapon. *See* TEX. PEN.CODE ANN. § 22.02 (Vernon 2006). Appellant pleaded true to two felony enhancements, and the jury assessed his punishment at

45 years' confinement. This Court affirmed appellant's conviction. *See Lewis v. State*, No. 01-05-00518-CR, 2006 WL 3751408 (Tex. App.—Houston [1st Dist.] 2006, no pet.) (not designated for publication).

On February 7, 2011, appellant filed a notice of appeal in this Court attempting to appeal “from the finding of facts, Conclusion of Law, and Order to Transmit Habeas Corpus Record (Post Conviction Application).” Thus, appellant is attempting to appeal to this Court from the trial court's denial of his post-conviction writ of habeas corpus.

Although the application for writ of habeas corpus is to be filed in the trial court in which the conviction was obtained, it must be returnable to the Court of Criminal Appeals. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3 (Vernon Supp. 2010). Only the Court of Criminal Appeals possesses authority to grant relief in post-conviction habeas proceedings when, as here, there is a final felony conviction. *Id.* This Court lacks jurisdiction over an appeal from the trial court's denial of a petition for writ of habeas corpus seeking post-conviction relief from confinement for a felony conviction. *See Ex parte Jordan*, 659 S.W.2d 827, 828 (Tex. Crim. App. 1983) (recognizing that courts of appeals have appellate jurisdiction over appeals from post-conviction writs in misdemeanor, not felony cases), *see also Maye v. State*, 966 S.W.2d 140, 143 (Tex. App.—Houston [14th Dist.] 1998, no pet.).

Accordingly, we dismiss the appeal for want of jurisdiction. We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Massengale.

Do not publish.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