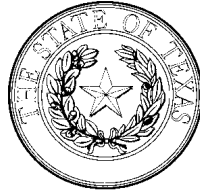


Opinion issued December 31, 2013



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00852-CR

JORGE VENUSTIANO PORRAS, Appellant
V.
THE STATE OF TEXAS, Appellee

**On Appeal from the 185th District Court
Harris County, Texas
Trial Court Cause No. 818904**

MEMORANDUM OPINION ON REHEARING

We originally issued our memorandum opinion in this appeal on December 3, 2013. Appellant, Jorge Venustiano Porras, has filed a motion for rehearing. We deny the motion for rehearing, vacate our earlier judgment, withdraw our previous opinion, and issue this opinion in its place.

Appellant, Jorge Venustiano Porras, attempts to appeal from the trial court's order denying appellant's "motion for 'relief from judgment to vacate judgment.'" We dismiss the appeal.

In 1999, appellant pleaded guilty to capital murder. In accordance with the plea agreement, the trial court assessed punishment at life in prison. On August 23, 2013, appellant filed the present motion, asserting that the judgment and sentence were void and requesting that the trial court "vacate defendant's judgment and sentence." The trial court denied appellant's motion and appellant filed a notice of appeal.

Appellant is confined in the Institutional Division of the Texas Department of Criminal Justice as the result of a final felony conviction and seeks relief from that confinement. The habeas corpus procedure set out in article 11.07 of the Code of Criminal Procedure provides the exclusive remedy for felony post-conviction relief in state court. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp. 2013); *see also Bd. of Pardons & Paroles v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). Only the Court of Criminal Appeals has jurisdiction in final post-conviction habeas corpus proceedings. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07; *see also Bd. of Pardons & Paroles*, 910 S.W.2d at 483. "There is no role for the courts of appeals in the procedure under article 11.07." *Howell v. State*, No. 07-11-00103-CR, 2011 WL 1878643, at *1 (Tex.

App.—Amarillo May 17, 2011, no pet.) (mem. op., not designated for publication)
(citations omitted).

Accordingly, we dismiss this appeal for want of jurisdiction. *See* TEX. R.
APP. P. 43.2(f). 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).