

Dismissed and Memorandum Opinion filed January 14, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-01090-CR

ALEXANDER MARTINEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 720592**

MEMORANDUM OPINION

A jury convicted appellant of aggravated robbery, and on May 13, 1996, the trial court sentenced appellant to confinement for fifty years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely notice of appeal, and the appeal was assigned to this court and docketed under our number 14-96-00645-CR. The appeal was transferred to the Eleventh District Court of Appeal pursuant to a docket equalization order from the Texas Supreme Court. On March 29, 1998, appellant's conviction was affirmed. *See Martinez v. State*, No. 11-96-00166-CR, 1998 WL 34193652

(Tex. App.—Eastland Mar. 26, 1998, no pet.) (not designated for publication). On August 24, 1998, the Eleventh Court of Appeals issued its mandate of affirmance.

On October 23, 2009, appellant filed a new notice of appeal, asserting newly discovered evidence. We lack jurisdiction over this attempted appeal. The exclusive post-conviction remedy in final felony convictions in Texas courts is through a writ of habeas corpus pursuant to article 11.07 of the Code of Criminal Procedure. *See* Tex. Code Crim. Proc. Ann. art. 11.07 (Vernon Supp. 2009); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991).

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.
Do Not Publish—Tex. R. App. P. 47.2(b).