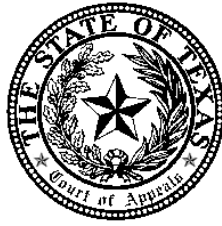


**Dismissed and Memorandum Opinion filed September 13, 2011.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-11-00531-CR**

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**TODD ALTSCHUL, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 23rd District Court  
Brazoria County, Texas  
Trial Court Cause No. 23,557-Q**

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**MEMORANDUM OPINION**

Appellant brings this appeal from the trial court's order signed June 8, 2011, denying his petition for writ of habeas corpus. The State contends appellant must seek relief from the Texas Court of Criminal Appeals by filing a writ pursuant to article 11.07. *See Tex. Code Crim. Proc. Ann. art. 11.07. (West 2005).* Appellant contends this is not an 11.07 proceeding. In his reply brief, appellant requests that if he has no right of appeal we construe his appeal as a petition for writ of mandamus.

According to appellant's application, on May 21, 1992, he was convicted of the offense of possession of a deadly weapon in a penal institution and sentenced to

confinement for fifteen years in the Texas Department of Criminal Justice. Appellant claims that his fifteen-year sentence was improperly enhanced. This constitutes a challenge to his final felony conviction.

The Texas Court of Criminal Appeals is “the only court with jurisdiction in final post-conviction felony proceedings.” *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991). *See also* Tex. Code Crim. Proc. Ann. art. 11.07; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (holding that article 11.07 provides the exclusive means to challenge a final felony conviction). Accordingly, we lack jurisdiction over this attempted appeal. Likewise, even if we construed this appeal as a petition for writ of mandamus, we have no jurisdiction.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Frost, Seymore, and Jamison.

Do Not Publish — TEX. R. APP. P. 47.2(b).