



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-14-00799-CR

**IN RE Michael Joseph ROSENBERG**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Karen Angelini, Justice  
Rebeca C. Martinez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: November 26, 2014

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On November 17, 2014, relator Michael Joseph Rosenberg filed a pro se petition for writ of mandamus, complaining of the trial court's failure to grant his application for habeas corpus relief. In 2003, relator was convicted of murder following a guilty plea and was sentenced to seventy years' confinement. On October 20, 2004, this court affirmed the judgment of conviction in Cause No. 04-03-00812-CR.<sup>2</sup> Relator's felony conviction thus became final.

Only the Texas Court of Criminal Appeals has jurisdiction over matters related to post-conviction relief from an otherwise final felony conviction. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. 1991); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West Supp.

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<sup>1</sup> This proceeding arises out of Cause No. 1485, styled *The State of Texas v. Michael Joseph Rosenberg*, pending in the 49th Judicial District Court, Zapata County, Texas, the Honorable Jose A. Lopez presiding.

<sup>2</sup> *See Rosenberg v. State*, No. 04-03-00812-CR, 2004 WL 2346269, at \*2 (Tex. App.—San Antonio Oct. 20, 2004, no pet.) (mem. op., not designated for publication).

2014); *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.”). Because the relief sought in relator’s petition relates to post-conviction relief from an otherwise final felony conviction, we are without jurisdiction to consider his petition for writ of mandamus. Accordingly, relator’s petition is dismissed for lack of jurisdiction.

PER CURIAM

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