



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00508-CR

EX PARTE Juan Roberto **RODRIGUEZ**

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 1990CR1294-W8
Honorable Kevin M. O'Connell, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: September 27, 2017

DISMISSED FOR LACK OF JURISDICTION

Juan Roberto Rodriguez was convicted of arson in 1990 and sentenced to twenty-five years in prison. In May 2017, Rodriguez filed his eighth application for a writ of habeas corpus. On June 19, 2017, the trial court signed its findings, conclusions, and recommendation that the application be dismissed. The clerk of the trial court transmitted the record to the Texas Court of Criminal Appeals pursuant to article 11.07, section 3 of the Texas Code of Criminal Procedure. On August 16, 2017, the Court of Criminal Appeals dismissed the subsequent application for a writ of habeas corpus without a written order, citing Texas Code of Criminal Procedure article 11.07, section 4(a)-(c).

Rodriguez filed a "Notice of Appeal In Habeas Corpus," in an attempt to appeal the trial court's June 19, 2017 order to this court. This court does not have jurisdiction over an appeal from

the trial court's denial of a post-conviction petition for habeas corpus relief in a felony case unless applicant seeks relief from an order of community supervision. *See* TEX. CODE CRIM. PROC. ANN. arts. 11.07, 11.072 (West 2015); *Ex parte Beard*, 494 S.W.3d 315, 315–16 (Tex. App.—Waco 2015, no pet.); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.—San Antonio 1998, original proc.). Only the Court of Criminal Appeals has authority to grant post-conviction relief from confinement for persons with a final felony conviction. *Hoang v. State*, 872 S.W.2d 694, 697 (Tex. Crim. App. 1993). We therefore dismiss this appeal for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH