

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00384-CV

GEORGE ALVIN JONES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 09-12-12195 CV**

MEMORANDUM OPINION

Appellant George Alvin Jones, a *pro se* inmate, appeals from the trial court's order partially granting the State's motion for summary judgment in consolidated expunction proceedings. We affirm the trial court's judgment.

Jones filed several petitions seeking expunction of records. The State filed a motion to consolidate the petitions, and the trial court granted the State's motion. Subsequently, the State filed a motion for summary judgment, in which the State contended that with the exception of an arrest on June 12, 1999, which did not result in the filing of charges against Jones, Jones was not entitled to expunction under article

55.01. *See* Tex. Code Crim. Proc. Ann. art. 55.01 (West Supp. 2010). According to the State, Jones was not entitled to expunction because in one case he was placed on deferred adjudication community supervision; Jones's arrest on June 11, 2003, led to several indictments, which were not all dismissed for lack of probable cause; and in the other cases (terroristic threat, violation of a protective order, and deadly conduct), which arose from the same episode, Jones was ultimately indicted and convicted of deadly conduct.

The State contended that because Jones's eligibility for expunction was determinable from historical facts, no factual issues exist. As summary judgment evidence, the State attached to its motion the affidavit of an investigator from the Montgomery County District Attorney's office, who researched Jones's criminal history. The trial court granted the State's motion and denied all of Jones's expunction petitions except the one pertaining to the arrest of June 12, 1999. In its summary judgment order, the trial court granted Jones's request for expunction concerning the arrest of June 12, 1999. Jones then filed this appeal.

In this appeal, Jones argues in three issues that (1) the trial court violated his constitutional rights by "handpicking" court-appointed counsel in the underlying misdemeanor terroristic threat case, (2) the trial judge was biased against him because of her involvement with a shelter for battered women, and (3) trial counsel violated his constitutional rights by refusing to arrange for bond, thereby forcing Jones to accept community supervision. In the prayer contained in his brief, Jones seeks expunction of

his records, and again contends the trial court violated the Code of Judicial Conduct, and that he received ineffective assistance of counsel.

Jones does not raise an issue concerning the trial court's order on his petitions for expunction, nor does his brief contain any argument or appropriate citations to authority concerning the order and the reasoning contained therein. Instead, Jones's brief merely consists of a lengthy attempt to condemn the actions of the trial court and of Jones's appointed counsel. Therefore, we conclude that Jones has inadequately briefed any complaints concerning the trial court's order. *See* Tex. R. App. P. 38.1(i) ("The brief must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record.").

We now turn to Jones's three issues concerning the actions of the trial judge and trial counsel in the underlying criminal case that ultimately resulted in his conviction for deadly conduct. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive means of challenging a final felony conviction, and jurisdiction of such cases is vested exclusively in the Court of Criminal Appeals. *See* Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2010); *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991). We therefore conclude that Jones may not raise those issues in this appeal of the trial court's order on his

petitions for expunction. Accordingly, we overrule Jones's issues and affirm the trial court's judgment.

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on March 25, 2011
Opinion Delivered April 7, 2011

Before McKeithen, C.J., Kreger and Horton, JJ.