

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00595-CR

EX PARTE ERIC ALLEN

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 79485

MEMORANDUM OPINION

Eric Allen filed an original post-conviction petition for writ of habeas corpus with this Court. We questioned our jurisdiction. Allen contends that this Court has jurisdiction of his application, and he raises the same arguments that he makes in a separate appeal, which is currently pending before this Court as appeal number 09-11-00353-CR.

We lack jurisdiction over this proceeding. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive remedy for a state court challenge to a final felony conviction. Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2011); *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). This Court does not have jurisdiction of writs filed pursuant

to Article 11.07. *See* Tex. Code Crim. Proc. Ann. art. 11.07, § 3 (Vernon Supp. 2011). “It is well settled that only the court of criminal appeals has the authority to set aside a criminal conviction after the plenary power of the trial court has expired.” *Brunelle v. State*, 113 S.W.3d 788, 790 (Tex. App.—Tyler 2003, no pet.) (citing *Hoang v. State*, 872 S.W.2d 694, 698 (Tex. Crim. App. 1993)). Accordingly, we dismiss cause number 09-11-00595-CR.

DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered November 30, 2011
Do Not Publish
Before McKeithen, C.J., Kreger and Horton, JJ.