



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00297-CR

EX PARTE MICHAEL CHAD
PRAYOR

FROM THE 89TH DISTRICT COURT OF WICHITA COUNTY
TRIAL COURT NO. 48290-C

MEMORANDUM OPINION¹

This appeal is from the trial court's denial of an application for a postconviction writ of habeas corpus pursuant to article 11.072 of the code of criminal procedure. Tex. Code Crim. Proc. Ann. art. 11.072 (West 2015). In 2009, appellant pled guilty to burglary, and the trial court sentenced him to eight years' confinement, probated for five years. The trial court revoked appellant's community supervision in March 2015. Appellant did not file his article 11.072 application until March 2016, *after* his community supervision had been revoked.

¹See Tex. R. App. P. 47.4.

Thus, appellant was not entitled to relief under article 11.072. See *State v. Guerrero*, 400 S.W.3d 576, 582 (Tex. Crim. App. 2013) (explaining that article 11.072 is exclusive means by which district courts exercise constitutional habeas jurisdiction “in cases involving an individual who is either serving a term of community supervision or who has completed a term of community supervision”); see also *Ex parte Glass*, 203 S.W.3d 856, 857 (Tex. Crim. App. 2006) (Johnson, J., concurring) (“Persons who are on community supervision or who have been on a community supervision that was never revoked may challenge the underlying conviction pursuant to Tex. Code Crim. Proc. Art. 11.072”); *Martinez v. State*, No. 04-14-00555-CR, 2015 WL 8391329, at *1 (Tex. App.—San Antonio Dec. 9, 2015, pet. ref’d) (mem. op., not designated for publication) (affirming trial court’s order denying article 11.072 habeas relief when filed after probation had already been revoked).²

²Although article 11.07 is the means by which a person convicted of a felony may pursue postconviction habeas relief, appellant indicated in his filings, “I am not interested in the § 11.07.” Tex. Code Crim. Proc. Ann. art. 11.07 (West 2015).

We conclude and hold that the trial court correctly denied appellant's application for a postconviction writ of habeas corpus and affirm the trial court's judgment.

/s/ Terrie Livingston

TERRIE LIVINGSTON
CHIEF JUSTICE

PANEL: LIVINGSTON, C.J.; GARDNER and WALKER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 31, 2016