



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

NO. 02-18-00318-CR

EX PARTE JEREMY WICKER

FROM THE 367TH DISTRICT COURT OF DENTON COUNTY
TRIAL COURT NO. F-2009-1068-E

MEMORANDUM OPINION¹

Jeremy Wicker attempts to appeal the trial court's order recommending that his article 11.07 application for a post-conviction writ of habeas corpus be denied. See Tex. Code Crim. Proc. Ann. art. 11.07 (West 2015). Having no jurisdiction over article 11.07 writs, we dismiss Wicker's attempted appeal.

From Wicker's notice of appeal and other documents filed with it, we see that he filed an article 11.07 application for a post-conviction writ of habeas

¹See Tex. R. App. P. 47.4.

corpus and that he is trying to appeal the trial court's order recommending its denial.² But we have no jurisdiction over these writs.³ See *id.* art. 11.07, § 3(a); *Bd. of Pardons & Paroles ex rel. Keene v. Ct. of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995) (orig. proceeding); *Ex parte Ngo*, No. 02-16-00425-CR, 2016 WL 7405836, at *1 (Tex. App.—Fort Worth Dec. 22, 2016, no pet.) (mem. op., not designated for publication).

We notified Wicker that we lack jurisdiction and warned him that we could dismiss his appeal unless we received a response showing grounds for continuing it. See Tex. R. App. P. 44.3. Wicker filed a response but failed to show grounds for continuing his appeal.⁴ We therefore dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 43.2(f).

²While this appeal was pending, the Texas Court of Criminal Appeals denied Wicker's application without a written order.

³We have appellate jurisdiction over article 11.072 applications, but that is not what Wicker filed. See Tex. Code Crim. Proc. Ann. art. 11.072, §§ 1, 8 (West 2015) (“[P]rocedures for an application for a writ of habeas corpus in a felony or misdemeanor case in which the applicant seeks relief from an order or a judgment of conviction ordering community supervision.”).

⁴Wicker appears to argue that because we handled his direct appeal in 2012, we should have jurisdiction over his habeas appeal as well. See *Wicker v. State*, No. 02-11-00039-CR, 2012 WL 579469 (Tex. App.—Fort Worth Feb. 23, 2012, pet. ref'd) (mem. op., not designated for publication). But this position ignores article 11.07's section 3 and *Keene*.

/s/ Elizabeth Kerr
ELIZABETH KERR
JUSTICE

PANEL: KERR, PITTMAN, and BIRDWELL, JJ.

DO NOT PUBLISH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

DELIVERED: August 30, 2018