

NO. 07-09-00199-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
APRIL 19, 2012

CHARLES LEE HESS, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 57,241-E; HONORABLE DOUGLAS WOODBURN, JUDGE

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

ORDER

On April 9, 2012, Charles Lee Hess filed a document with this court entitled "amended notice of appeal." Concurrently, he submitted a letter to the clerk of this court requesting information and legal advice. In the amended notice, Hess attempts to appeal the judgment in cause number 57,241-E convicting him of injury to an elderly individual. We will dismiss all relief Hess now requests.

On July 15, 2009, we dismissed Hess's appeal of cause number 57,241-E because the trial court's certification of right to appeal stated Hess waived the right of

appeal.¹ Hess did not file a motion for rehearing, and our plenary power expired. Tex. R. App. P. 19.1 & 19.3. Our mandate issued October 2, 2009. Tex. R. App. P. 18.

On September 13, 2011, Hess again filed a notice seeking to appeal the judgment in cause number 57,241-E. We dismissed the attempted appeal on September 26, 2011, noting our mandate following the July 15, 2009 dismissal order issued in October 2009 and even were we able to consider a second appeal, Hess supplied no record containing an amended certification authorizing a right of appeal.²

Hess now urges he did not sign a waiver of appeal in cause number 57,241-E. However, the record of this court contains a copy of a certification, containing a signature appearing to be Hess's, filed here on June 16, 2009. The document states that Hess "has waived the right of appeal pursuant to a plea in 56304E."

Our judgment of July 15, 2009 is final. As an intermediate appellate court, we have no post-conviction jurisdiction over this case because the exclusive means of challenging a final felony conviction is in the Texas Court of Criminal Appeals according to article 11.07 of the Texas Code of Criminal Procedure. Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2011); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex.Crim.App. 1991) (orig. proceeding) (stating only the Texas Court of Criminal Appeals has jurisdiction over post-conviction felony proceedings).

¹ *Hess v. State*, No. 07-09-0199-CR, 2009 Tex. App. Lexis 5422 (Tex.App.--Amarillo July 15, 2009, no pet.) (per curiam order) (not designated for publication).

² *Hess v. State*, No. 07-11-0359-CR, 2011 Tex. App. Lexis 7720 (Tex.App.--Amarillo, Sept. 26, 2011, no pet.) (mem. op.) (not designated for publication).

Because we have no jurisdiction to consider them, all requests for relief made by Hess in his amended notice of appeal and letter to the clerk of this court, each filed April 9, 2012, must be, and are, dismissed.

It is so ordered.

James T. Campbell
Justice

Do not publish.