

NO. 07-10-0473-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
MAY 3, 2011

GREGORY THOMAS DICKERSON,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 364TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 91-412,276; HONORABLE BRADLEY S. UNDERWOOD, PRESIDING

Memorandum Opinion

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

Gregory Thomas Dickerson appeals, *pro se*, from an order of the trial court denying his motion to set aside and vacate what he considers to be a void 1991 judgment convicting him of aggravated sexual assault.¹ We modify it and affirm.

Only the Court of Criminal Appeals has jurisdiction to grant relief from a final felony conviction imposing a penalty other than death, and one seeking such relief must

¹Appellant appealed that judgment alleging he received ineffective assistance of counsel. That judgment was affirmed by this court on August 26, 1992.

do so per art. 11.07 of the Code of Criminal Procedure. TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2010);² *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (stating that the Court of Criminal Appeals is the only court with jurisdiction in final post-conviction felony proceedings); *Ex parte Mendenhall*, 209 S.W.3d 260, 261 (Tex. App.–Waco 2006, no pet.) (stating that the exclusive post-conviction remedy in a final felony conviction is through a writ of habeas corpus pursuant to art. 11.07). Thus, the trial court had no jurisdiction to entertain appellant’s motion to set aside or vacate his 1991 final felony conviction.

Accordingly, we modify the trial court’s order to reflect that the motion was dismissed for want of jurisdiction and affirm it as modified.

Brian Quinn
Chief Justice

Do not publish.

²Although the application for writ of habeas corpus is filed in the trial court, it is made returnable to the Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07 §3(b) (Vernon Supp. 2010).