

NO. 07-12-00239-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JUNE 22, 2012

EX PARTE JOE LEE TOUCHSTONE

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

ORDER

Joe Lee Touchstone, a prison inmate appearing *pro se*, has filed a pleading in this court asserting he has been unlawfully incarcerated by the State of Texas since February 13, 1991, because his underlying conviction and sentence are void. He asks that we initiate proceedings leading to a declaration that the underlying conviction is “null and void.” In an opinion dated October 14, 1991, we affirmed Touchstone’s conviction for aggravated sexual assault in cause number 07-91-0054-CR. No petition for discretionary review was filed and mandate issued on December 12, 1991.¹

¹ We judicially notice these facts as recited in our opinion in *In re Touchstone*, No. 07-03-0489-CV 2003 Tex. App. Lexis 10013, at *1 (Tex.App.--Amarillo Nov. 25, 2003, orig. proceeding) (mem. op.). We also judicially notice Touchstone’s history of attempts to obtain post-conviction relief in the Texas Court of Criminal Appeals and in federal court. See *Touchstone v. Quarterman*, No. 2:09-CV-0057, 2009 U.S. Dist. Lexis 2633, at *1-2 (N.D. Tex. Mar. 12, 2009) (stating history), *adopted*, 2009 U.S. Dist. Lexis 24714 (N. D. Tex. Mar. 23, 2009).

As an intermediate appellate court, we have no post-conviction jurisdiction to consider the relief Touchstone requests by his pleading 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).

Accordingly, we dismiss this proceeding for want of jurisdiction

It is so ordered.

James T. Campbell
Justice

Do not publish.