



**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00388-CR

EX PARTE MARSHALL S. HICKS

**From the 413th District Court
Johnson County, Texas
Trial Court No. F44149**

MEMORANDUM OPINION

Marshall Shane Hicks was convicted in 2010 of indecency with a child. His original appeal of that conviction was transferred from this Court to the Thirteenth Court of Appeals (Corpus Christi). That appeal was dismissed because the conviction was based on a plea bargain, and Hicks had no right to appeal.

On October 30, 2014, Hicks filed a document entitled "Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc)" as an original proceeding requesting relief directly from this Court. *In re Hicks*, 2014 Tex. App. LEXIS 12657, No. 10-14-00343-CR (Tex. App.—Waco Nov. 20, 2014, orig. proceeding). We dismissed the proceeding on November 20, 2014 for want of jurisdiction because Hicks asked this Court to correct

the opinion and judgment by the Thirteenth Court of Appeals, and we have no jurisdiction over the opinions or judgments of other courts of appeals. *Id.*; see TEX. CONST. ART. V, § 6(a).

Hicks now has filed a document entitled “Amended Petition Denying Relator Due Process, Civil Rights Violation Associated with Ineffective Counsel.” We do not construe this document to be a motion to reconsider our November 20 dismissal because, rather than asking us to review our previous decision, he asks us to review the trial court’s actions and decisions regarding Hicks’ plea of guilty in the underlying criminal proceeding. We, therefore, construe Hicks’ request to be a post-conviction writ of habeas corpus of a felony conviction. See TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2005). We do not have jurisdiction to grant a post-conviction writ of habeas corpus of a felony conviction. *Id.* art. 11.05.

Accordingly, Hicks’ “amended” petition is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Petition dismissed

Opinion delivered and filed December 18, 2014

Do not publish

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