



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-16-00080-CR**

**EX PARTE JOHNNY LEE STERLING**

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**From the 54th District Court  
McLennan County, Texas  
Trial Court No. 1991-61-C**

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**MEMORANDUM OPINION**

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Johnny Lee Sterling, a prison inmate, filed an application for writ of habeas corpus in this Court pursuant to article 11.07 of the Code of Criminal Procedure, *see* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015), asserting various grounds for habeas relief from his felony conviction.

An application for writ of habeas corpus after a final felony conviction, other than a case in which the death penalty is imposed, must be filed with the clerk of the court in which the challenged conviction was obtained. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, sec. 3(b) (West 2015). Rather than filing his application with the trial court as required by the Code of Criminal Procedure, Sterling filed his application with this

Court. As an intermediate court of appeals, we have no jurisdiction over post-conviction writs of habeas corpus in felony cases. *See id.* 11.05 (West 2015); *Ex parte Martinez*, 175 S.W.3d 510, 512-13 (Tex. App.—Texarkana 2005, orig. proceeding); *Self v. State*, 122 S.W.3d 294, 294-95 (Tex. App.—Eastland 2003, no pet.); *see also Ex parte Beard*, No. 10-15-00252-CR, 2015 Tex. App. LEXIS 8522, at \*\*1-2 (Tex. App.—Waco Aug. 13, 2015, orig. proceeding).

Accordingly, because we have no jurisdiction over a post-conviction habeas corpus proceeding in a felony case, we dismiss Sterling’s application.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Dismissed

Opinion delivered and filed March 24, 2016

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