



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00085-CR

EX PARTE JOSEPH EDWARD HILDERBRAND

Original Proceeding

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2016-998-C2**

MEMORANDUM OPINION

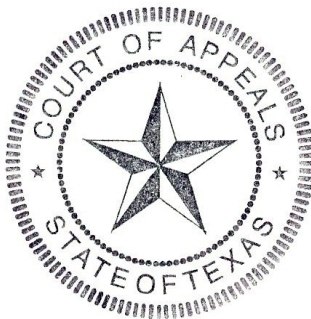
In a Petition for a Review/Concerning New Evidence/Actual Innocence, filed on April 14, 2021, Joseph Edward Hilderbrand wants to be released from prison. He asserts he is being detained illegally because he is innocent, his trial counsel was ineffective, his fundamental rights were violated, he was wrongfully convicted, and he has been subjected to cruel and unusual punishment. Essentially, Hilderbrand is requesting post-conviction relief.

As an intermediate appellate court in Texas, our jurisdiction is limited. We do not have habeas corpus jurisdiction of any request for post-conviction relief in a felony

proceeding which must be on the article 11.07 form, filed in the trial court of conviction, and made returnable to the Court of Criminal Appeals. *See Olivo v. State*, 918 S.W.2d 519, 525 n.8 (Tex. Crim. App. 1996); *see also* TEX. CODE CRIM. PROC. arts. 11.05, 11.07; *Ex parte Mendenhall*, 209 S.W.3d 260, 261 (Tex. App.—Waco 2006, no pet.). Hilderbrand is serving 40 years for the felony conviction of failure to register as a sex offender, enhanced. *See Hilderbrand v. State*, No. 10-17-00315-CR, 2018 Tex. App. LEXIS 8913 (Tex. App.—Waco Oct. 31, 2018, pet. ref'd) (not designated for publication). Because we have no jurisdiction, this proceeding is dismissed for want of jurisdiction.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Davis¹
Petition dismissed
Opinion delivered and filed April 28, 2021
Do not publish
[OT06]



¹ The Honorable Rex Davis, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.