



NUMBERS 13-16-00518-CR AND 13-16-00519-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

FRANK ARMENTA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 347th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Garza, Perkes, and Longoria
Memorandum Opinion Per Curiam**

Appellant, Frank Armenta, proceeding pro se, attempts to appeal from an order of the trial court dismissing for want of jurisdiction his petition for writ of error coram nobis. On November 18, 2013, appellant was convicted of driving while intoxicated. The trial court has certified that this “is a plea-bargain case, and the defendant has NO right of appeal.” See TEX. R. APP. P. 25.2(a)(2).

On October 4, 2016, the Clerk of this Court notified appellant that it appeared that the order he was attempting to appeal was not appealable and that appeal would be dismissed if the defect was not corrected within ten days from the date of receipt of the Court's directive. Appellant filed a brief in response indicating he believes we have jurisdiction to consider his appeals.

The purpose of the writ of error coram nobis is to bring before the court that rendered the judgment factual matters which, if known at the time judgment was rendered, would have prevented its rendition. *Ex parte McKenzie*, 29 S.W.2d 771, 772 (Tex. Crim. App. 1930). Because the habeas corpus procedure is the exclusive means to set aside a prior felony conviction in a collateral proceeding, the writ of error coram nobis is not available in Texas. *Ex parte Massey*, 249 S.W.2d 599, 601 (Tex. Crim. App. 1952).

Jurisdiction to grant post-conviction habeas corpus relief in felony cases rests exclusively with the Texas Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (West, Westlaw through 2015 R.S.); *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995); *In re McAfee*, 53 S.W.3d 715, 717–18 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

Because we have no jurisdiction to consider an appeal from a denial of a writ of coram nobis, the appeals are DISMISSED for want of jurisdiction.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
3rd day of November, 2016.