

DISMISSED; Opinion Filed June 16, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-20-00601-CR

**ALFRED CHARLES GREEN, Appellant
v.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 366th Judicial District Court
Collin County, Texas
Trial Court Cause No. 366-82982-2011**

MEMORANDUM OPINION

Before Justices Schenck, Molberg, and Nowell
Opinion by Justice Schenck

After finding Alfred Charles Green guilty of aggravated assault with a deadly weapon, the jury assessed punishment at twenty-five years in prison. On direct appeal, appellant raised jury charge error and ineffective assistance of counsel. *See Green v. State*, No. 08-13-00308-CR, 2015 WL 2265084 (Tex. App.—El Paso May 13, 2015, pet. ref'd) (mem. op., not designated for publication). The mandate issued February 14, 2018. Appellant filed a notice of appeal in this Court on June 9, 2020, seeking again to appeal the trial court's September 11, 2013 judgment.

This Court lacks jurisdiction to consider a second appeal from appellant’s final conviction. The exclusive post-conviction remedy in final felony convictions in Texas courts is by a writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (providing that “[a]fter conviction, the procedure outlined in this Act shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner”); *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241 (Tex. Crim. App. 1991). 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, § 3; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth District*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995).

Because we lack jurisdiction, we dismiss this appeal.

/David J. Schenck/

DAVID J. SCHENCK
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ALFRED CHARLES GREEN,
Appellant

No. 05-20-00601-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 366th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 366-82982-
2011.

Opinion delivered by Justice
Schenck. Justices Molberg and
Nowell participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered this 16th day of June, 2020.