

DISMISS and Opinion Filed June 18, 2021



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

No. 05-21-00442-CR

EX PARTE VERA ELIZABETH GUTHRIE-NAIL

**On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-80635-2012**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Myers, and Justice Garcia
Opinion by Chief Justice Burns

Vera Elizabeth Guthrie-Nail filed an article 11.07 application writ for habeas corpus in the 401st Judicial District Court. The trial court recommended denying the application and ordered the clerk of the court to transmit a copy of the application, the State's response, and the trial court's order to the Texas Court of Criminal Appeals. On June 14, 2021, the Collin County District Clerk forwarded Vera Elizabeth Guthrie-Nail's notice of appeal to this Court, along with the trial court's findings of fact and conclusions of law.

The habeas corpus procedure set out in article 11.07 of the Texas Code of Criminal Procedure provides the exclusive remedy for felony post-conviction relief in Texas state court. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, §§ 3(a), 5. Article

11.07 vests jurisdiction over post-conviction relief from final felony convictions in the Texas Court of Criminal Appeals. *See id.* § 3(a); *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *Hoang v. State*, 872 S.W.2d 694, 697 (Tex. Crim. App. 1993). There is no role for the intermediate courts of appeals in the procedure set out in article 11.07. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3; *Ater v. Eight Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding).

Because we lack jurisdiction over this appeal, we direct the Collin County District Clerk to send a copy of the application, the State’s response, and the trial court’s order to the Texas Court of Criminal Appeals.

We dismiss this appeal.

Do Not Publish
TEX. R. APP. P. 47.2(b)
210442F.U05

/Robert D. Burns, III/

ROBERT D. BURNS, III
CHIEF JUSTICE



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

JUDGMENT

EX PARTE VERA ELIZABETH
GUTHRIE-NAIL

No. 05-21-00442-CR

On Appeal from the 401st Judicial
District Court, Collin County, Texas
Trial Court Cause No. 401-80635-
2012.

Opinion delivered by Chief Justice
Burns. Justices Myers and Garcia
participating.

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

Judgment entered June 18, 2021