

Dismissed and Opinion filed January 3, 2002.



In The

Fourteenth Court of Appeals

NO. 14-01-00995-CR

REGINALD BERNARD SMITH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Court at Law No. 1
Fort Bend County, Texas
Trial Court Cause No. 51155**

MEMORANDUM OPINION

Appellant filed a petition for writ of coram nobis and/or motion to challenge the validity of a prior conviction for purchasing alcohol for a minor. The trial court denied the petition on September 13, 2001. Appellant appeals this ruling.

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). The Court of Criminal Appeals has long held that the common law writ of coram nobis is not recognized in this state. *See, e.g., Ex parte Massey*, 249 S.W.2d 599, 601 (Tex. Crim. App.

1952). Even if we were to construe this to be a writ of habeas corpus, we have no jurisdiction to consider post-conviction writs of habeas corpus. Instead, such writs must be filed with the Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3 (Vernon Supp. 2001).

Because we have no jurisdiction to consider an appeal from a denial of a writ of coram nobis, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed January 3, 2002.

Panel consists of Justices Anderson, Hudson, and Frost.

Do Not Publish – TEX. R. APP. P. 47.3(b).