



In The

Eleventh Court of Appeals

No. 11-16-00193-CR

EX PARTE KEPHREN THOMAS

Original Proceeding

MEMORANDUM OPINION

Kephren Thomas has filed in this court an application for writ of habeas corpus in which he asserts that he has been indicted for a felony offense and that he is being illegally restrained by the Sheriff of Midland County. Thomas raises several contentions in his application and requests that we issue a writ of habeas corpus. We dismiss for want of jurisdiction.

This court's authority to exercise original jurisdiction is limited. *See* TEX. CONST. art. V, §§ 5, 6 (providing that Court of Criminal Appeals has the power to issue writs of habeas corpus and that intermediate courts of appeals only have original jurisdiction as prescribed by law); TEX. GOV'T CODE ANN. § 22.221 (West 2004) (limited writ powers granted to the courts of appeals). An intermediate

appellate court “does not possess original habeas corpus jurisdiction of a bail issue” in a criminal case. *Ortiz v. State*, 299 S.W.3d 930, 932 (Tex. App.—Amarillo 2009, no pet.); *see Ex parte Enriquez*, 2 S.W.3d 362, 363 (Tex. App.—Waco 1999, orig. proceeding). We note that the Texas Code of Criminal Procedure provides that a person who is confined after indictment on a felony charge may apply for a writ of habeas corpus in the district court in which he is indicted. TEX. CODE CRIM. PROC. ANN. art. 11.08 (West 2015). Because we have no jurisdiction to issue a writ of habeas corpus in this original proceeding, we must dismiss.

This proceeding is dismissed for want of jurisdiction.

PER CURIAM

July 21, 2016

Do not publish.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

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.