

**Petition for Writ of Mandamus Dismissed and Memorandum Majority and Dissenting Opinions filed August 31, 2023.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00623-CR**

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**IN RE JOHN DAVIS BERNARD, JR., Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
185th District Court  
Harris County, Texas  
Trial Court Cause No. 1726657**

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**MEMORANDUM MAJORITY OPINION**

On August 24, 2023, relator John Davis Bernard, Jr. filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator asks this court to dismiss the underlying criminal case pending in the trial court against him.

Relator is seeking habeas-corpus relief in his mandamus petition. The courts of appeal have no original habeas-corpus jurisdiction in criminal matters. *In re*

*Ayers*, 515 S.W.3d 356, 356 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding) (citing Tex. Gov’t Code Ann. § 22.221(d)). Original jurisdiction to grant an application for a writ of habeas corpus in a criminal case is vested in the Texas Court of Criminal Appeals, the district courts, the county courts, or a judge in those courts. Tex. Code Crim. Proc. Ann. art 11.05. Therefore, this court is without jurisdiction to consider relator’s petition requesting habeas corpus relief.

Accordingly, relator’s petition is dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Spain.  
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