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MEMORANDUM OPINION

No. 04-08-00475-CR

IN RE Edward **PRUITT**

Original Habeas Corpus Proceeding[1]

PER CURIAM

Sitting: Karen Angelini, Justice
             Phylis J. Speedlin, Justice
             Steven C. Hilbig, Justice

Delivered and Filed: July 23, 2008

PETITION FOR WRIT OF HABEAS CORPUS DISMISSED FOR LACK OF JURISDICTION

On July 3, 2008, Edward Pruitt filed an original petition for a writ of habeas corpus in this court. Pruitt represents that he is confined in jail awaiting trial and has not been prosecuted in a timely manner. Thus, he seeks immediate release. This court, however, as an intermediate court of appeals, is not authorized to grant the relief requested.

Pursuant to section 22.221(d) of the Texas Government Code, in civil matters, a court of appeals "may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case." TEX.

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[1] This proceeding arises out of Cause No. 2007-CR-3195, styled *The State of Texas v. Edward Pruitt*, pending in the 227th Judicial District Court, Bexar County, Texas, the Honorable Philip A. Kazen, Jr. presiding.

GOV'T CODE ANN. § 22.221(d) (Vernon 2004). However, in criminal matters, a court of appeals has no original habeas corpus jurisdiction. *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. ref'd); *Ex parte Hearon*, 3 S.W.3d 650, 650 (Tex. App.—Waco 1999, orig. proceeding); *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.). In criminal matters, the courts authorized to issue writs of habeas corpus are the Texas Court of Criminal Appeals, the district courts, and the county courts. *See* TEX. CODE CRIM. PROC. ANN. art. 11.05 (Vernon 2005). Therefore, we dismiss this appeal for lack of jurisdiction.

PER CURIAM

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