



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-15-00413-CV

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**IN RE DAVID FRANKLIN WEST**

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Original Proceeding

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November 17, 2015

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Relator David Franklin West, appearing *pro se*, filed an original proceeding in this court on October 5, 2015. We were unable to discern the relief sought by relator, and sought clarification. In response, relator filed additional documents indicating that he was arrested in Dallam County for possession of marijuana and now is confined in the Randall County Jail awaiting trial. Because relator requests his immediate release, we construe his documents as presenting an application for a pretrial writ of habeas corpus. We will dismiss the proceeding for want of jurisdiction.

An intermediate court of appeals does not have original habeas corpus jurisdiction in criminal matters. See TEX. GOV'T CODE ANN. § 22.221(d) (West 2004)

(original habeas corpus jurisdiction of intermediate courts of appeals limited to civil matters); *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. ref'd) (citing *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, no pet.)). Instead, habeas jurisdiction in criminal proceedings rests with the Court of Criminal Appeals, the district courts, and the county courts. TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2015); *Watson*, 96 S.W.3d at 500.

Because relator seeks relief we have no jurisdiction to grant, his application for writ of habeas corpus is dismissed.

James T. Campbell  
Justice