



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-10-00105-CR

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IN RE: STEPHEN CLAY JOHNSTON

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Original Habeas Corpus Proceeding

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Moseley

## MEMORANDUM OPINION

Stephen Clay Johnston filed this application for writ of habeas corpus complaining that he was illegally incarcerated despite the fact that a “final plea bargain has been reached and signed by all parties.”

There is no indication that the trial court has ruled on Johnston’s application for writ of habeas corpus. In fact, the certificate of service contains language indicating that the application may have been received by the trial court on the same date as it was received in this Court. Thus, we have no jurisdiction to order the trial court to rule in a certain manner or to address the merits of Johnston’s claim.<sup>1</sup> *See Ex parte Young*, 257 S.W.3d 276, 277 (Tex. App.—Beaumont 2008, orig. proceeding); *In re Ramirez*, 994 S.W.2d 682, 684 (Tex. App.—San Antonio 1998, orig. proceeding).

We deny the application for want of jurisdiction.

Bailey C. Moseley  
Justice

Date Submitted: June 17, 2010  
Date Decided: June 18, 2010

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<sup>1</sup>Johnston’s application does not present a situation in which this Court would have original jurisdiction over the writ of habeas corpus. *See* TEX. GOV’T CODE ANN. §§ 22.002, 22.221 (Vernon 2004).