

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

**NO. 03-04-00670-CR**

**Ex parte Harry L. Rowser**

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT  
NO. 48,429, HONORABLE JOE CARROLL, JUDGE PRESIDING**

**MEMORANDUM OPINION**

Harry L. Rowser petitioned the district court for a writ of habeas corpus pursuant to article five, section eight of the constitution. *See* Tex. Const. art. V, § 8; Tex. Code Crim. Proc. Ann. arts. 11.05, .08 (West 1977). The court refused to issue the writ and Rowser seeks to appeal.

There is no right of appeal if a trial court refuses to issue a writ of habeas corpus without addressing the merits of the application. *Ex parte Gonzales*, 12 S.W.3d 913, 914 (Tex. App.—Austin 2000, pet. ref'd). We therefore dismiss this appeal for want of jurisdiction.

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Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Dismissed for Want of Jurisdiction

Filed: November 12, 2004

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