

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

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**NO. 03-16-00675-CV**

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**In re Jimmy Jay Jensen**

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**ORIGINAL PROCEEDING FROM WILLIAMSON COUNTY**

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**MEMORANDUM OPINION**

Jimmy Jay Jensen, an inmate in the Texas Department of Criminal Justice, has filed a pro se document entitled “Application for Writ of Habeas Corpus Seeking Bail From a Void Judgment of Conviction” with this Court, related to his 2006 conviction. Jensen is convicted of the first-degree felony of aggravated sexual assault of a child and is serving a sentence of life imprisonment as a result of his conviction. Jensen’s application requests that this Court (1) conduct an evidentiary hearing, and after receiving evidence, (2) set the amount of bond to a reasonable amount so that Jensen may be released pending his new trial. This document appears to be an original application for writ of habeas corpus filed for the first time in this court of appeals rather than an appeal of a ruling on an application for writ of habeas corpus filed in a trial court.

We lack jurisdiction over Jensen’s request. This Court’s original jurisdiction to issue a writ of habeas corpus is limited to those cases in which a person’s liberty is restrained because the person has violated an order, judgment, or decree entered in a civil case. *See* Tex. Gov’t Code § 22.221(d). Moreover, article 11.07 of the Code of Criminal Procedure vests complete jurisdiction over post-conviction relief from final felony convictions in the Texas Court of Criminal Appeals.

Tex.Code Crim. Proc. art. 11.07, § 5; *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App.1995); *Ex parte Williams*, 239 S.W.3d 859, 861-62 (Tex. App.—Austin 2007, no pet.); *see also Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013) (explaining that “[i]t is well established that only the Court of Criminal Appeals” has authority to grant relief in post-conviction habeas corpus proceeding where there is a final felony conviction). The intermediate courts of appeals have no jurisdiction in criminal-law matters pertaining to proceedings initiated under article 11.07. *Ex parte Garcia*, No. 03-14-00292-CR, 2014 WL 3893030, at \*1 (Tex. App.—Austin Aug. 8, 2014, orig. proceeding) (mem. op., not designated for publication); *see In re Briscoe*, 230 S.W.3d 196, 196 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding) (per curiam); *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (per curiam). Accordingly, we dismiss this original proceeding for want of jurisdiction.

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Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Goodwin and Bourland

Filed: October 18, 2016