

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-23-00815-CV

In re Jose Mendez

ORIGINAL PROCEEDING FROM COMAL COUNTY

MEMORANDUM OPINION

Jose Mendez has filed an original pro se application for writ of habeas corpus challenging the basis for revocation of his deferred supervision. *See* Tex. Code Crim. Proc. arts. 11.01, .05, .40.

The original habeas corpus jurisdiction of a court of appeals is limited to cases where a person’s liberty is restrained because he or she has violated an order, judgment, or decree in a civil case. *See* Tex. Gov’t Code § 22.221(d); *In re Reece*, 341 S.W.3d 360, 364 n.3 (Tex. 2011). Courts of appeals have no original habeas jurisdiction in criminal matters. *In re Ayers*, 515 S.W.3d 356 (Tex. App.—Houston [14th Dist.] 2016, no pet.); *see Ex parte Braswell*, 630 S.W.3d 600, 601–02 (Tex. App.—Waco 2021, no pet.); *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.) (“The courts of appeals have no original habeas corpus jurisdiction in criminal matters; their jurisdiction is appellate only.”). Original jurisdiction to grant a writ of habeas corpus in a criminal case is vested in the Court of Criminal

Appeals, the district courts, the county courts, or a judge of those courts. Tex. Code Crim. Proc. art. 11.05.; *see Ayers*, 515 S.W.3d at 356.

Accordingly, we dismiss Mendez's original application for writ of habeas corpus for want of jurisdiction.

Thomas J. Baker, Justice

Before Justices Baker, Triana, and Smith

Filed: January 19, 2024