



**NUMBER 13-21-00096-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**EX PARTE JOHN DAVID RUSSELL**

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**On appeal from the 25th District Court  
of Gonzales County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Longoria, Hinojosa, and Tijerina  
Memorandum Opinion by Justice Tijerina**

Before the court is appellant's motion for appointment of counsel. Appellant is attempting to appeal an order denying a post-conviction writ of habeas corpus. On March 5, 2021, the trial court signed an order denying a motion of transfer request, which this court will construe as habeas corpus relief sought. On April 1, 2021, appellant filed a notice of appeal wherein he attempts to appeal the trial court's denial of the writ of habeas corpus.

Jurisdiction to grant post-conviction habeas corpus relief in felony cases rests exclusively with the Texas Court of Criminal Appeals. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5; *Bd. of Pardons & Paroles ex rel. Keene v. Court of Appeals for the Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995); *In re McAfee*, 53 S.W.3d 715, 717–18 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Therefore, this Court does not have jurisdiction over this matter.

The appeal is dismissed for lack of jurisdiction; accordingly, appellant’s motion for appointment of counsel is also dismissed for lack of jurisdiction.

JAIME TIJERINA  
Justice

Do not publish.  
TEX. R. APP. P. 47.2(b).

Delivered and filed on the  
15th day of July, 2021.