

NO. 12-13-00341-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

PABLO DIEGO ZUAZU,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator Pablo Diego Zuazu seeks a writ of habeas corpus pursuant to Texas Code of Criminal Procedure Article 11.072.

Article 11.072 establishes the habeas procedures in a felony or misdemeanor case in which the applicant seeks relief from a judgment of conviction ordering community supervision. TEX. CODE CRIM. PROC. ANN. art. 11.072 § 1 (West Supp. 2013). One procedural requirement is that the habeas application be filed with the clerk of the court in which community supervision was imposed. *Id.* art. 11.072 § 2.

Relator filed his Article 11.072 habeas application in this court. However, our jurisdiction under that article is appellate, not original. *See id.* arts. 4.03, 11.072, § 8 (West Supp. 2012); *see also* TEX. GOV'T CODE ANN. § 22.221(d) (West 2004) (limits original habeas jurisdiction of court of appeals to civil cases where restraint results from violation of prior court order). Therefore, we lack jurisdiction to consider the merits of his claim. Accordingly, we *dismiss* Relator's application for writ of habeas corpus.

Opinion delivered November 26, 2013.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

NOVEMBER 26, 2013

NO. 12-13-00341-CR

PABLO DIEGO ZUAZU,
Relator
v.
HON. DAN MOORE,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of habeas corpus filed by **PABLO DIEGO ZUAZU**, who is the relator in Cause No. B-17,436, pending on the docket of the 173rd Judicial District Court of Henderson County, Texas. Said petition for writ of habeas corpus having been filed herein on November 14, 2013, and the same having been duly considered, because it is the opinion of this Court that this Court is without jurisdiction to consider the merits of his claim in the writ of habeas corpus, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of habeas corpus be, and the same is, hereby **DISMISSED**.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.