



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

	§	No. 08-21-00201-CR
EX PARTE	§	Appeal from the
JAVIER URIAS,	§	243rd Judicial District Court
Appellant.	§	of El Paso County, Texas
	§	(TC#2009D03338-243-03)

**MEMORANDUM OPINION**

This case is before the Court on its own motion to dismiss for want of jurisdiction.

On November 4, 2021, Javier Urias filed a notice of appeal with the El Paso District Clerk's office from "Findings of Fact and Conclusions of Law, Recommendation, and Order to the Clerk" that had previously been issued by the presiding judge of the 243rd District Court of El Paso County, Texas. We can tell from those attached findings that the trial court had under consideration Javier Urias's application for writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. We take judicial notice that this Court had previously affirmed the conviction of Javier Urias for causing serious bodily injury to a child. *Urias v. State*, 08-12-00090-CR, 2014 WL 1259397, at \*1 (Tex.App.--El Paso Mar. 26, 2014, pet. ref'd) (not designated for publication).

The trial court recommended to the Texas Court of Criminal Appeals that it deny all the relief requested by Urias. We take further judicial notice that the Texas Court of Criminal Appeals on September 15, 2021, denied without written order, Urias’s application for writ of habeas corpus. *Ex Parte Urias*, WR-82,009-03 (Tex.Crim.App. September 15, 2021).

Article 11.07 divides the responsibility to process writ applications for post-conviction relief between the convicting court and the court of criminal appeals. TEX.CODE CRIM.PROC.ANN. art. 11.07 §§ 3 and 5. Article 11.07 provides no role, nor confers any jurisdiction on this Court regarding Urias’s writ application. Intermediate courts of appeal have no jurisdiction to decide post-conviction article 11.07 writs. *Ex parte Ruiz*, No. 05-17-00806-CR, 2017 WL 3276003, at \*1 (Tex.App.--Dallas July 25, 2017, no pet.) (mem. op., not designated for publication); *Runnels v. State*, 804 S.W.2d 278 (Tex.App.--Beaumont 1991, no pet.); *see also Ex parte Lowe*, No. 01-94-00048-CV, 1994 WL 35618, at \*1 (Tex.App.--Houston [1st Dist.] Feb. 2, 1994, no pet.) (recognizing that intermediate appellate courts have “no role” in deciding article 11.07 writs).

Accordingly, we dismiss the appeal for want of jurisdiction.

JEFF ALLEY, Justice

January 31, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.

(Do Not Publish)