

DISMISSED and Opinion Filed February 7, 2022



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00888-CV

No. 05-21-00889-CV

No. 05-21-00890-CV

IN RE RAYMOND D. ALLEN, Relator

**Original Proceedings from the Criminal District Court No. 2
Dallas County, Texas
Trial Court Cause Nos. F21-75901-QI, F21-75902-QI & F21-58591-HI**

MEMORANDUM OPINION

Before Justices Molberg, Reichek, and Smith
Opinion by Justice Smith

Kenneth Arnez Davis El, purporting to act as “next best friend” on behalf of Raymond D. Allen, has filed an original petition for writ of habeas corpus contending Allen is being detained illegally.

There is no showing that Davis El is an attorney or would be authorized to file a petition on Allen’s behalf. *See* TEX. GOV’T CODE ANN. § 81.102 (limiting the practice of law to persons admitted to the state bar and those permitted by supreme court rules); TEX. R. CIV. P. 44 (permitting next friend to represent “[m]inors, lunatics, idiots, or persons non compos mentis who have no legal guardian” under certain conditions); *Martin v Commercial Metals Co.*, 138 S.W.3d 619, 622 (Tex.

App.—Dallas 2004, no pet.) (rule 44 does not grant unlicensed individuals authority to practice law under auspices of “next friend.”).

Moreover, the Court has no jurisdiction to consider an original petition for writ of habeas corpus arising in a criminal case. *See* TEX. CODE CRIM. PROC. ANN. art. 11.05; TEX. GOV’T CODE ANN. § 22.221(d); *In re Spriggs*, 528 S.W.3d 234, 236 (Tex. App.—Amarillo 2017, orig. proceeding); *In re Ayers*, 515 S.W.3d 356, 356–57 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding) (per curiam).

Accordingly, we dismiss the petition for want of jurisdiction.

/Craig Smith/
CRAIG SMITH
JUSTICE

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