

Opinion issued November 3, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00846-CR

IN RE LITTLETON, Relator

Original Proceeding on Petition for Writ of Habeas Corpus

MEMORANDUM OPINION

Relator, Reginald Littleton, has filed a pro se petition for writ of habeas corpus in this Court. Relator asserts that the trial court erred by overruling his pretrial motion to suppress evidence.

A court of appeals does not have original jurisdiction over habeas corpus proceedings in criminal matters. *See Chavez v. State*, 132 S.W.3d 509, 510 (Tex. App.—Houston [1st Dist.] 2004, no pet.); *Ex parte Hearon*, 3 S.W.3d 650, 650

(Tex. App.—Waco 1999, orig. proceeding) (determining that it did not have jurisdiction to grant habeas relief in pending criminal matter); *Denby v. State*, 627 S.W.2d 435, 435 (Tex. App.—Houston [1st Dist.] 1981, orig. proceeding) (stating that jurisdiction is appellate only); *cf.* TEX. GOV'T CODE ANN. § 22.221(d) (Vernon 2004) (providing writ power in civil cases). Texas Code of Criminal Procedure article 11.05 vests power over original habeas corpus proceedings in criminal cases in the Texas Court of Criminal Appeals, the district courts, the county courts, or a judge of those courts. TEX. CODE CRIM. PROC. ANN. art. 11.05 (Vernon 2005). Further, a pretrial habeas corpus application cannot be used to challenge the trial court's denial of a motion to suppress evidence. *Ex parte Conner*, 439 S.W.2d 350, 350 (Tex. Crim. App. 1969).

Because we are without jurisdiction to grant the requested relief, we dismiss for want of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

Do not publish.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