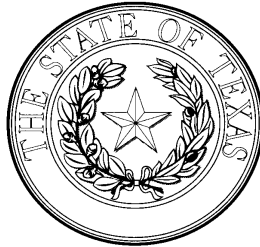


Opinion issued November 9, 2021



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-21-00013-CR

NO. 01-21-00298-CR

IN RE MARK D. STEWART, Relator

Original Proceeding on Petition for Writ of Habeas Corpus

MEMORANDUM OPINION

Relator, Mark D. Stewart, has filed two pro se petitions for writ of habeas corpus, claiming he is entitled to dismissal of all charges because the indictment contains “interlineations of substances.” Relator’s complaint concerns the trial court’s revision of the indictment to reflect a different controlled substance than the

one included in the original indictment.¹ The State of Texas filed a response in appellate case number 01-21-00013-CR, asserting that this Court lacks original habeas jurisdiction, and that relator is represented in the trial court by appointed counsel and is not entitled to hybrid representation in this Court.

This Court has jurisdiction to issue writs of mandamus and to issue writs of mandamus and other writs necessary to enforce our jurisdiction. *See* TEX. GOV'T CODE § 22.221(a), (b). But this Court's power to issue writs of habeas corpus is limited to cases in which a person is restrained of liberty by virtue of an order issued by a court in a civil case. *See id.* § 22.221(d). Relator in this case complains of an order issued by a judge in a criminal case. Accordingly, this Court lacks jurisdiction to grant relief in this case. Because we lack jurisdiction, we must dismiss this petition. *See In re Ayers*, 515 S.W.3d 356, 356–57 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding).

Moreover, the State includes a record demonstrating that relator is represented by appointed counsel. Relator is not entitled to hybrid representation in this Court and thus, his application for writ of habeas corpus presents nothing for this court to review. *See In re Alexander*, No. 01-20-00702-CR, 2020 WL 6435774, at *1 (Tex. App.—Houston [1st Dist.] Nov. 3, 2020, orig. proceeding) (mem. op., not designated

¹ The underlying case is *The State of Texas v. Mark D. Stewart*, cause number 1661232, pending in the 248th District Court of Harris County, Texas, the Honorable Hillary Unger presiding.

for publication) (citing *Ex parte Bohannon*, 350 S.W.3d 116, 116 n.1 (Tex. Crim. App. 2011)).

We dismiss the petitions. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Hightower, and Farris.

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