

Opinion issued March 22, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00167-CR

IN RE SELVIN SAGUERO, Relator

Original Proceeding on Application for Writ of Habeas Corpus

MEMORANDUM OPINION

Relator, Selvin Saguero, appearing pro se, has filed an application for writ of habeas corpus with this Court arguing that he is being “illegally restrained and confined in the Harris County Jail” because the bail amount set in his underlying criminal case is “excessive.”¹ Relator requests that this Court “issue the [w]rit of

¹ The underlying case is *The State of Texas v. Selvin Saguero*, Cause No. 1710539, in the 337th District Court of Harris County, Texas, the Honorable Colleen Gaido presiding.

[h]abeas [c]orpus” and “order[] [that he be] discharged from illegal custody and restraint” or that this Court reduce the bail amount set in his criminal case.

We dismiss the application for writ of habeas corpus for lack of jurisdiction.

An intermediate court of appeals does not have original habeas jurisdiction in criminal law matters. *See* TEX. GOV'T CODE ANN. § 22.221(d) (original habeas jurisdiction of courts of appeals is limited to cases in which person's liberty is restrained because person violated order, judgment, or decree entered in civil case); *Chavez v. State*, 132 S.W.3d 509, 510 (Tex. App.—Houston [1st Dist.] 2004, no pet.). Our habeas corpus jurisdiction in criminal matters is appellate only. *See* TEX. GOV'T CODE ANN. § 22.221(d); *Ex parte Denby*, 627 S.W.2d 435, 435 (Tex. App.—Houston [1st Dist.] 1981, orig. proceeding); *see, e.g., In re Abram*, No. 01-19-00858-CR, 2020 WL 201955, at *1 (Tex. App.—Houston [1st Dist.] Jan. 14, 2020, orig. proceeding) (mem. op., not designated for publication) (“If the trial court had denied habeas relief to [r]elator after a hearing, this Court would have jurisdiction over the appeal from that denial.”); *Montalvo v. State*, 315 S.W.3d 588, 589–96 (Tex. App.—Houston [1st Dist.] 2010, no pet.) (reviewing trial court's order denying pretrial application writ of habeas corpus seeking reduction in bail amount). Original habeas jurisdiction in a criminal proceeding is limited to the Texas Court of Criminal Appeals, the district courts, and the county courts. *See* TEX. CODE CRIM. PROC. ANN. art. 11.05; *see also Ex parte Werne*, 118 S.W.3d 833, 836 n.1 (Tex.

App.—Texarkana 2003, no pet.) (noting Texas law permits “someone who is incarcerated to file a pretrial application of writ of habeas corpus” in trial court). Thus, this Court lacks jurisdiction over relator’s application for writ of habeas corpus. *See Ortiz v. State*, 299 S.W.3d 930, 932 (Tex. App.—Amarillo 2009, orig. proceeding) (court of appeals do not have jurisdiction in original proceeding about “a bail issue”); *see also In re Cruz*, Nos. 01-19-00828-CR, 01-19-00829-CR, 2019 WL 5700245, at *1 (Tex. App.—Houston [1st Dist.] Nov. 5, 2019, orig. proceeding) (mem. op., not designated for publication) (dismissing for lack of jurisdiction relator’s application for writ of habeas corpus seeking release from custody or reduction in bail amount from this Court).

Accordingly, we dismiss relator’s application for writ of habeas corpus for lack of jurisdiction. All pending motions are dismissed as moot.

Julie Countiss
Justice

Panel consists of Chief Justice Radack and Justices Countiss and Farris.

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