

Opinion issued June 30, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00429-CR

NO. 01-22-00431-CR

IN RE JOEY WOOD, Relator

Original Proceeding on Application for Writ of Habeas Corpus

MEMORANDUM OPINION

Relator, Joey Wood, appearing pro se, has filed a “Pretrial Writ of Habeas Corpus for Bond Reduction” with this Court related to each of his two trial court cases.¹ Wood’s habeas applications state that he has been indicted for the offenses

¹ The underlying cases are *The State of Texas v. Joey Wood*, Cause Nos. 22-DCR-098418, 22-DCR-099345, in the 458th District Court of Fort Bend County, Texas, the Honorable Robert Rolnick presiding.

of “agg[ravated] robbery with bail set at \$150,000.00,” and “for obstruction or retaliation.” According to Wood, he was “arrested on February 3, 2022” and has been “illegally confined and restrained of his liberty” in the Fort Bend County detention facility since that time. Wood states that he “can prove his innocence once his bail is lower” and requests that this Court “grant this [application] for pretrial habeas corpus” and “issue a reasonable bail and grant a bond reduction hearing.”

We dismiss Wood’s applications 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). Accordingly, in criminal habeas matters, this Court is limited to reviewing a trial court’s order denying a defendant’s pretrial application for writ of habeas corpus. *See Montalvo v. State*, 315 S.W.3d 588, 589 (Tex. App.—Houston [1st Dist.] 2010, no pet.) (reviewing trial court’s order denying pretrial application writ of habeas corpus seeking reduction of bail).

Original habeas jurisdiction in criminal proceedings 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). For these reasons, to the extent that Wood seeks to have this Court to grant his applications for writ of habeas corpus, we lack jurisdiction to do so.

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

PER CURIAM

Panel consists of Justices Landau, Guerra, and Farris.

Do not publish.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