

**Petition for Writ of Habeas Corpus Dismissed and Memorandum Opinion filed  
January 13, 2011.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-11-00014-CR**

**NO. 14-11-00015-CR**

---

**EX PARTE VICTOR TUGWELL, Relator**

---

---

**ORIGINAL PROCEEDING  
WRIT OF HABEAS CORPUS  
179th District Court  
Harris County, Texas  
Trial Court Nos. 1219410 & 1219411**

---

---

**MEMORANDUM OPINION**

On January 11, 2011, relator, Victor Tugwell, filed a petition for writ of habeas corpus in this court. *See* Tex. Gov't Code § 22.221(d); *see also* Tex. R. App. P. 52. In his petition, relator alleges that he is illegally restrained without bail on charges of intoxication manslaughter and aggravated assault, and he asks this court to set pre-trial bail.

We are unable to consider relator's petition for writ of habeas corpus because our authority to entertain petitions for writ of habeas corpus extends solely to the actions of judges in civil cases. *See* Tex. Gov't Code § 22.221(d) (providing writ power to courts of

appeals in civil cases where a person's liberty is restrained). 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, 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 appellate court did not have jurisdiction to grant habeas relief in pending criminal matter). Our habeas corpus jurisdiction in criminal matters is appellate only. *See In re Shaw*, 175 S.W.3d 901, 903 (Tex. App.—Texarkana 2005, orig. proceeding). The Texas Code of Criminal Procedure 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. art. 11.05.

Therefore, we dismiss relator's petition for lack of jurisdiction.

#### PER CURIAM

Panel consists of Chief Justice Hedges and Justices Frost and Christopher.

Do No Publish — Tex. R. App. P. 47.2(b).