

Petition for Writ of Injunction Dismissed and Memorandum Opinion filed February 1, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00061-CR

IN RE BRADY TURK, Relator

**ORIGINAL PROCEEDING
WRIT OF INJUNCTION
248th District Court
Harris, County Texas
Trial Court No. 098134501010**

MEMORANDUM OPINION

On January 24, 2011, relator, Brady Turk, filed a petition for writ of injunction in this court. *See* Tex. Gov't Code Ann §22.221; *see also* Tex. R. App. P. 52.1. In the petition, relator seeks to have this court stop his extradition from Colorado to Texas. According to the petition, relator was convicted of assault and placed on probation in 2004. This court affirmed appellant's conviction in 2005. *See Turk v. State*, No. 14-04-00856-CR; 2005 WL 2739146 (Tex. App.—Houston [14th Dist.] 2005, pet. dism'd). While the conviction was pending appeal, relator moved to Colorado. Attached

to relator's petition is a writ of habeas corpus he filed in the Court of Criminal Appeals. Appellant seeks to have this court stop his extradition to Texas while the writ of habeas corpus is pending.

This court's original jurisdiction is governed by section 22.221 of the Texas Government Code. Section 22.221 expressly limits the original jurisdiction of the courts of appeals to: (1) writs against a district court judge or county court judge in the court of appeals' district, and (2) all writs necessary to enforce the court of appeals' jurisdiction. Tex. Gov't Code Ann. § 22.221.

The substance of the relief sought by relator in his petition is habeas corpus relief following a final felony conviction. Article 11.07 of the Texas Code of Criminal Procedure provides the exclusive means to challenge a final felony conviction. *Board of Pardons & Paroles ex rel. Keene v. Court of Appeals for Eighth Dist.*, 910 S.W.2d 481, 483 (Tex. Crim. App. 1995). Such an application for writ of habeas corpus is returnable to the Court of Criminal Appeals. The court of appeals does not have jurisdiction. *Id.*

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

PER CURIAM

Panel consists of Justices Anderson, Seymore, and McCally.

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