

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00571-CR

IN RE Arnulfo ROSALES

Original Habeas Corpus Proceedings¹

Opinion by: Rebecca Simmons, Justice

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Rebecca Simmons, Justice

Delivered and Filed: October 15, 2008

PETITIONS FOR WRIT OF HABEAS CORPUS DISMISSED FOR LACK OF JURISDICTION

Arnulfo Rosales has filed pro se original petitions requesting the issuance of two writs of habeas corpus. Rosales, who claims his confinement is illegal for various reasons, seeks review and dismissal of the indictment against him and release from confinement. Alternatively, Rosales seeks an immediate trial. Rosales is represented by counsel in the trial court. Because Rosales's complaints relate to his pending criminal case, we conclude that trial counsel is Rosales's counsel for any original proceeding on the issues presented. Rosales has no right to proceed pro se and be represented by counsel at the same time. *See Patrick v. State*, 906 S.W.2d

¹ This proceeding arises out of Cause No. 2008-CR-0105, styled *The State of Texas v. Arnulfo Rosales*, pending in the 227th Judicial District Court, Bexar County, Texas, the Honorable Philip A. Kazen, Jr. presiding.

481, 498 (Tex. Crim. App. 1995); *Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding).

Additionally, the Court of Criminal Appeals, the district courts, and the county courts are authorized to issue writs of habeas corpus in criminal matters. *See* TEX. CODE CRIM. PRO. ANN. art. 11.05 (Vernon 2005). However, this court has no original habeas corpus jurisdiction in criminal matters. *See* *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. ref'd); *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.).

Accordingly, the habeas corpus petitions are dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH