

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00309-CV

IN RE MELISSA SUZANNE BAILEY

Original Proceeding

MEMORANDUM OPINION

In this original proceeding, Melissa Suzanne Bailey seeks a writ of habeas corpus. Bailey alleged that she is illegally restrained in the Montgomery County Jail because the trial court set excessive bail on an indictment.

This Court lacks original habeas corpus jurisdiction in criminal cases. *Ex parte Hawkins*, 885 S.W.2d 586, 588-89 (Tex. App.--El Paso 1994, orig. proceeding); *see also* TEX. CODE CRIM. PROC. ANN. art. 11.05 (Vernon 2005); *see also* TEX. GOV'T CODE ANN. § 22.221(d) (Vernon 2004) (Original jurisdiction to issue a writ of habeas corpus in cases in which a person's liberty is restrained because the trial court has found the person has violated an order, judgment, or decree entered in a civil case.). Bailey's complaint arises out of a felony prosecution. Accordingly, we dismiss the petition for writ of habeas corpus for want of jurisdiction.

PETITION DISMISSED.

PER CURIAM

Opinion Delivered August 19, 2010

Before McKeithen, C.J., Gaultney and Horton, JJ.