



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00471-CR

EX PARTE MARK DEWAYNE HALCY

ORIGINAL PROCEEDING

December 30, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appearing pro se, applicant Mark Dewayne Halcy has filed an original proceeding in this court seeking a writ of habeas corpus. Halcy's filing states he is accused of committing the offense of aggravated assault with a deadly weapon and has been held in jail for over ninety days without indictment. He seeks a writ compelling his release, release on a personal bond, or a bail reduction.¹ The filing makes reference to a "pending" proceeding in a district court but it gives no indication Halcy has sought from the district court the relief he requests here.

¹ See TEX. CODE CRIM. PROC. ANN. art. 17.151, § 1(1) (West 2015) (providing that a defendant detained in jail may be entitled to either a personal-recognition bond or a bail reduction if he is accused of a felony and the State is not ready for trial within ninety days from the commencement of detention).

An intermediate court of appeals does not have original habeas corpus jurisdiction in criminal law matters. See TEX. GOV'T CODE ANN. § 22.221(d) (West 2004) (original habeas corpus jurisdiction of intermediate courts of appeals limited to civil matters); *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. refused) (citing *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, no pet.)). Instead, habeas jurisdiction in criminal proceedings rests with the Texas Court of Criminal Appeals, the district courts, and the county courts. TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2015); *Watson*, 96 S.W.3d at 500.

Moreover, Halcy is represented by counsel. Even were we authorized to address the merits of his complaint we would not do so because a defendant in a criminal law matter, represented by counsel, is not entitled to a hybrid representation. See *Ex parte Bohannan*, 350 S.W.3d 116, 116 n.1 (Tex. Crim. App. 2011) (stating because habeas applicant was represented by counsel and not entitled to hybrid representation, court would disregard and take no action on the “numerous” submissions he filed pro se); *In re Foster*, No. 14-16-00928-CR, 2016 Tex. App. LEXIS 12476, at *1 (Tex. App.—Houston [14th Dist.] Nov. 22, 2016, orig. proceeding) (per curiam) (not designated for publication) (“The absence of a right to hybrid representation means that a relator’s pro se mandamus petition should be treated as presenting nothing for this court’s review”) (citing *Gray v. Shipley*, 877 S.W.2d 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding) (per curiam)).

Because Halcy seeks relief we have no jurisdiction to grant, his application for writ of habeas corpus is dismissed.

Per Curiam

Do not publish.