



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

No. 07-17-00303-CR

EX PARTE MARK DEWAYNE HALLCY

ORIGINAL PROCEEDING

August 29, 2017

MEMORANDUM OPINION

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

Appearing *pro se*, applicant Mark Dewayne Halcy filed an application for writ of habeas corpus with the District Clerk of Hale County, seeking relief from a felony conviction. The habeas application was forwarded to this Court rather than the trial court. See TEX. CODE CRIM. PROC. ANN. art. 11.07, sec. 3 (West 2015).¹

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 is limited to civil matters); *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. refused)

¹ At the same time, Halcy filed a notice of appeal from his conviction, we have assigned the appeal cause number 07-17-00302-CR.

(citing *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding)). 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.

Accordingly, we dismiss Halcy's application for writ of habeas corpus for want of jurisdiction. We shall return his habeas application to the district clerk for proceedings in accordance with article 11.07, section 3 of the Texas Code of Criminal Procedure; and our mandate shall issue forthwith.

Per Curiam

Do not publish.