



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

No. 07-17-00356-CR

EX PARTE ERIC JERVON MCGEE

Original Proceeding
Arising From Proceedings Before the 46th District Court
Wilbarger County, Texas
Trial Court No. 12,174; Honorable Dan Mike Bird Presiding

October 23, 2017

MEMORANDUM OPINION

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

Petitioner, Eric Jervon McGee, appearing *pro se*, filed a petition for writ of habeas corpus in this court. We dismiss the petition for want of jurisdiction.

On October 3, 2017, McGee submitted documents to the clerk of this court asserting that he was wrongfully indicted for the offense of assault of a family member, enhanced to a third-degree felony by a prior conviction of family violence,¹ and was in

¹ See TEX. PENAL CODE ANN. § 22.01(a)(1), (b)(2)(A) (West Supp. 2016).

Wilbarger County jail awaiting trial. By letter dated October 5, we directed McGee to clarify the relief he sought from this court. McGee filed a response requesting that we dismiss the charges pending against him. We, therefore, construed McGee's filings as a pretrial petition for writ of habeas corpus. See TEX. CODE CRIM. PROC. ANN. art. 11.01, 11.08 (West 2015).

We do not, however, 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. ref'd) (citing *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding) (per curiam)). Instead, habeas jurisdiction in criminal proceedings rests with the Texas Court of Criminal Appeals, the district courts, and the county courts. See TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2015); *Watson*, 96 S.W.3d at 500.

Accordingly, we dismiss McGee's petition for writ of habeas corpus for want of jurisdiction.²

Per Curiam

Do not publish.

² A pretrial writ of habeas corpus in a felony case may be pursued by filing a petition for writ of habeas corpus with the district clerk and presenting the petition to the judge of the court in which the applicant is indicted. See TEX. CODE CRIM. PROC. ANN. art. 11.08.