



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

No. 07-22-00226-CR

EX PARTE DRAKE JORDAN FINCH

ORIGINAL PROCEEDING ON APPLICATION FOR WRIT OF HABEAS CORPUS

August 12, 2022

MEMORANDUM OPINION

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

Drake Jordan Finch, proceeding pro se, has filed a motion for “leave to file a writ of error” with this Court, challenging his 2015 conviction for aggravated assault.¹ Because Finch seeks post-conviction relief from a final felony conviction, we construe the motion as an application for writ of habeas corpus and dismiss it for want of jurisdiction.

Intermediate courts of appeals do not have original habeas corpus jurisdiction in criminal law matters. See TEX. GOV'T CODE ANN. § 22.221(d) (limiting original habeas jurisdiction of intermediate appellate courts to civil cases); *Ex parte Hawkins*, 885 S.W.2d

¹ We affirmed Finch’s conviction in *Finch v. State*, No. 07-15-00104-CR, 2017 Tex. App. LEXIS 3099, at *10 (Tex. App.—Amarillo Apr. 7, 2017, pet. ref’d) (mem. op., not designated for publication).

586, 588–89 (Tex. App.—El Paso 1994, orig. proceeding) (per curiam). That jurisdiction instead rests with the Court of Criminal Appeals, the district courts, and the county courts. See TEX. CODE CRIM. PROC. ANN. art. 11.05; *Ex parte Hawkins*, 885 S.W.2d at 588. Only the Court of Criminal Appeals has authority to grant post-conviction habeas relief in felony cases. See TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3(a); *Ex parte Alexander*, 685 S.W.2d 57, 60 (Tex. Crim. App. 1985).

For these reasons, we dismiss Finch’s application for writ of habeas corpus for want of jurisdiction.²

Per Curiam

Do not publish.

² Finch may be entitled to habeas relief by filing an application for writ of habeas corpus with the clerk of the court in which the conviction being challenged was obtained, returnable to the Court of Criminal Appeals. See TEX. CODE CRIM. PROC. ANN. art. 11.07.