



**IN THE
TENTH COURT OF APPEALS**

No. 10-10-00431-CR

EX PARTE JAMES EARL ROLLING, JR.

**From the County Court at Law
Walker County, Texas**

**Trial Court Nos. 10-1003, 10-0911, 10-1078, 10-0750, 10-1035, 10-1002,
09-1420, 09-1727, 09-1606, 10-0872, 10-0464, 10-0446, and 10-0447**

MEMORANDUM OPINION

James Earl Rolling, Jr. sent the Court a document which indicated he was in the custody of the Walker County Sheriff on 13 different charges for which a \$1,000 bond had been set for each charge. Because we were unclear as to what the document was intended to be, Rolling was ordered, by letter dated December 7, 2010, to clarify the nature of the proceeding represented by the document, the nature of the relief sought, and this Court's jurisdiction of the proceeding and authority to grant the relief requested. Rolling was warned that if a satisfactory response providing this information was not received within 21 days from the date of the order, the proceeding would be dismissed without further notice. *See* TEX. R. APP. P. 44.3.

We received a response from Rolling on December 15, 2010, in which Rolling explained that he now has 14 charges for failure to appear. While Rolling has indicated that the 14th charge is again for failure to appear, based on the documents received with his response, it is actually a charge for public intoxication with three prior convictions. The bond for that charge was set at \$5,000. Rolling asks that we vacate those 14 charges.¹

Although Rolling's response provides some additional information about the proceedings, it is still not clear to us whether he is seeking a pre-trial application for writ of habeas corpus directly from us, which we have no jurisdiction to issue, *see* TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2005); *Ex parte Price*, 228 S.W.3d 885, 886 (Tex. App.—Waco 2007, orig. proceeding), or whether he is seeking a reduction in the amount of his bail, which we have no jurisdiction to do because it does not appear that Rolling has filed a motion or pre-trial application for writ of habeas corpus with the trial court to reduce his bail, or that such a motion or application has been presented to and denied by the trial court. *See id.*; TEX. R. APP. P. 31.1.

Accordingly, this proceeding is dismissed. TEX. R. APP. P. 44.3.

TOM GRAY
Chief Justice

¹ It appears from the documentation provided to us by Rolling that at least three of these charges are for failure to appear. Other than the 14th charge discussed previously, we cannot determine the nature of the remaining charges.

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

Appeal dismissed

Opinion delivered and filed December 29, 2010

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