



IN THE  
TENTH COURT OF APPEALS

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No. 10-12-00086-CR

IN RE JULIUS STEWART

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Original Proceeding

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MEMORANDUM OPINION

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In this original proceeding, entitled an “application for writ of mandamus ...,” Julius Stewart, who alleges sixteen months of pretrial incarceration, complains of the trial court’s failure to provide him a speedy trial and seeks to have his pending criminal case dismissed. Stewart thus actually seeks habeas corpus relief.

The courts of appeals do not have original habeas corpus jurisdiction in criminal law matters. *Ex parte Hearon*, 3 S.W.3d 650 (Tex. App.—Waco 1999, orig. proceeding) (citing *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.); and *Sanders v. State*, 771 S.W.2d 645, 650 (Tex. App.—El Paso 1989, pet. ref’d)); *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding); *see also Ex parte Graves*, 271 S.W.3d 801, 807 (Tex. App.—Waco 2008, pet. ref’d) (“But a speedy-trial

claim is not cognizable on a pretrial writ of habeas corpus. “[A]n applicant may not use a pretrial writ to assert his or her constitutional rights to a speedy trial. ...”).

Accordingly, we dismiss this original proceeding for lack of jurisdiction.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Petition dismissed  
Opinion delivered and filed March 28, 2012  
Do not publish  
[OT06]