

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-17-00287-CV**

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**In re Delfino Gonzalez**

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**ORIGINAL PROCEEDING FROM COMAL COUNTY**

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**MEMORANDUM OPINION**

Relator Delfino Gonzalez filed a petition for writ of habeas corpus in this Court. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator, who indicates he is confined on a pending charge of possession of a controlled substance, seeks release because of asserted delay pursuant to Article 17.151 of the Texas Code of Criminal Procedure. *See* Tex. Code Crim. Proc. art. 17.151.

The courts of appeals have no original habeas corpus jurisdiction in criminal matters; our jurisdiction in criminal matters is appellate only. *See* Tex. Gov't Code § 22.221(d); *In re Ayers*, — S.W.3d —, No. 14-16-00274-CR, 2016 WL 1533747, at \*1 (Tex. App.—Houston [14th Dist.] Apr. 14, 2016, orig. proceeding); *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.); *Ex Parte Denby*, 627 S.W.2d 435 (Tex. App.—Houston [1st Dist.] 1981, orig. proceeding). Original jurisdiction to grant a writ of habeas corpus in a criminal case is vested in the Texas Court of Criminal Appeals, the district courts, the county courts, or a judge of those courts. Tex. Code Crim. Proc. art. 11.05; *In re Ayers*, 2016 WL 1533747 at \*1; *Ex Parte Hawkins*,

885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding). Therefore, this Court is without jurisdiction to consider relator’s petition requesting habeas corpus relief.

Accordingly, we dismiss relator’s petition for lack of jurisdiction.

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Melissa Goodwin, Justice

Before Justices Puryear, Pemberton, and Goodwin

Filed: May 5, 2017