

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00778-CV

In re Reginald Eugene Hall

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Reginald Eugene Hall, an inmate proceeding pro se, has filed a document entitled *Relator's Mandamus Petition in Conjunction with His Temporary Relief Motion, Lay Man at Law Motion*. Looking to the substance of Hall's petition, rather than its title or form, we construe the petition as an application for writ of habeas corpus. *See Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999) (courts look at substance of pleading rather than its caption or form to determine its nature). Although Hall does not designate his request as an application for writ of habeas corpus, in effect the relief he seeks amounts to a request for habeas relief. Hall seeks release from modified parole conditions, which include confinement in an Intermediate Sanctions Facility and the restraint of electronic monitoring. *See* Tex. Code Crim. Proc. arts. 11.01 (defining writ of habeas corpus as "the remedy to be used when any person is restrained in his liberty"); 11.21 (defining "confinement"), 11.22 (defining "restraint"). We do not have jurisdiction to grant the relief that Hall seeks.

Article V, section 6, of the Texas Constitution provides that courts of appeals "shall have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed

by law.” Tex. Const. art. V, § 6. Pursuant to this constitutional directive, the Legislature established the authority of a court of appeals to issue writs in section 22.221 of the Government Code. *See* Tex. Gov’t Code § 22.221. Under section 22.221, this Court has no original habeas corpus jurisdiction in criminal law matters; our original jurisdiction to entertain applications for writ of habeas corpus extends solely to the actions of judges in civil cases. *See id.* § 22.221(d) (providing original habeas jurisdiction to courts of appeals where relator’s liberty is restrained by virtue of order, process, or commitment issued by court or judge in civil case); *see also Lewis v. State*, 191 S.W.3d 225, 229 (Tex. App.—San Antonio 2005, pet ref’d); *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet ref’d); *Ex parte Hearon*, 3 S.W.3d 650, 650 (Tex. App.—Waco 1999, orig. proceeding). Our habeas corpus jurisdiction in criminal matters is appellate only. *See* Gov’t Code § 22.221(d); *see also In re Graham*, No. 03-14-00270-CV, 2015 WL 5781102, at *1 (Tex. App.—Austin Oct. 2, 2015, orig. proceeding); *In re Sowell*, No. 12-14-00311-CR, 2014 WL 5499850, at *1 (Tex. App.—Tyler Oct. 30, 2014, orig. proceeding) (per curiam). Original jurisdiction to grant a writ of habeas corpus in a criminal case is vested in the Court of Criminal Appeals, the district courts, the county courts, or a judge of those courts. Tex. Code Crim. Proc. art. 11.05; *see In re Thacker*, No. 03-14-00118-CV, 2014 WL 1464977, at *1 (Tex. App.—Austin Apr. 11, 2014, orig. proceeding).

Accordingly, we dismiss Hall’s application for writ of habeas corpus for want of jurisdiction. *See* Tex. R. App. P. 52.8(a).

Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Pemberton and Goodwin

Dismissed for Want of Jurisdiction

Filed: November 30, 2017