

NO. 12-10-00097-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE: JOHN WAYNE ARMSTEAD,*  
*RELATOR*

§

§ ORIGINAL PROCEEDING

§

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MEMORANDUM OPINION

In this original proceeding, Relator John Wayne Armstead seeks a writ of habeas corpus, alleging that he is illegally confined and restrained in the Angelina County jail.

The original jurisdiction of this court to issue a writ of habeas corpus is limited to those cases in which a person's liberty is restrained because the person has violated an order, judgment, or decree entered in a civil case. *See* TEX. GOV'T CODE ANN. § 22.221(d) (Vernon 2004). Consequently, this court does not have original habeas corpus jurisdiction in criminal matters. *Dodson v. State*, 988 S.W.2d 833, 835 (Tex. App.—San Antonio 1999, no pet.); *Ex parte Hawkins*, 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, no pet.).

Here, Relator's complaint arises out of a revocation proceeding, which is a criminal matter. Therefore, we lack jurisdiction to address the merits of Relator's petition. Accordingly, we *dismiss* Relator's habeas petition *for want of jurisdiction*.

**BRIAN HOYLE**

Justice

Opinion delivered April 7, 2010.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)