

**NO. 12-14-00311-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:* §  
*DANNY RAY SOWELL,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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***MEMORANDUM OPINION***  
***PER CURIAM***

On October 28, 2014, Relator, Danny Ray Sowell, filed a petition for writ of habeas corpus in this court. *See* TEX. GOV'T CODE ANN. § 22.221 (West 2004); TEX. R. APP. P. 52. In the petition, Relator alleges that he is illegally restrained because his trial for the offense with which he is charged is barred by double jeopardy under the Fifth and Fourteenth Amendments to the United States Constitution.

We are unable to consider Relator's petition because our original jurisdiction to entertain petitions for writ of habeas corpus extends solely to the actions of judges in civil cases. *See* TEX. GOV'T CODE ANN. § 22.221(d). Our habeas corpus jurisdiction in criminal matters is appellate only, and we may not exercise original jurisdiction. *See id.; Ex parte Hearon*, 3 S.W.3d 650, 650 (Tex. App.–Waco 1999, orig. proceeding). Accordingly, we *dismiss* Relator's petition for writ of habeas corpus for want of jurisdiction.

Opinion delivered October 30, 2014.

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

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

OCTOBER 30, 2014

NO. 12-14-00311-CR

**DANNY RAY SOWELL,**

Relator

V.

**HON. RANDAL L. MCDONALD,**

Respondent

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#### ORIGINAL PROCEEDING

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ON THIS DAY came to be heard the petition for writ of mandamus and petition for writ of prohibition filed by DANNY RAY SOWELL, who is the relator in Cause No. 2013-00136, pending on the docket of the County Court at Law of Van Zandt County, Texas. Said petition for writ of mandamus having been filed herein on October 28, 2014, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED FOR WANT OF JURISDICTION.**

By *per curiam* opinion.

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