In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-14-00384-CR

EX PARTE R. WAYNE JOHNSON

Original Proceeding

October 27, 2014

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Relator R. Wayne Johnson, a prison inmate appearing *pro se,* has filed an original proceeding in this court seeking a writ of habeas corpus. The gist of relator's complaint is that prison officials have wrongfully reduced his good-time credit. He seeks our order appointing him counsel and restoring the good-time credit. We will dismiss the proceeding for want of jurisdiction.

"Texas courts of appeals only have habeas jurisdiction in situations where a relator's restraint of liberty arises from a violation of an order, judgment, or decree previously made by a court or judge in a civil case." *In re Reece,* 341 S.W.3d 360, 364 n.3 (Tex. 2011) (orig. proceeding); TEX. GOV'T CODE ANN. § 22.221(d) (West 2004). In other words, a court of appeals does not have original habeas corpus jurisdiction in

criminal law matters. *Ex parte Hawkins,* 885 S.W.2d 586, 588 (Tex. App.—El Paso 1994, orig. proceeding) (per curiam) (citing *Ex parte Lewis,* 663 S.W.2d 153, 154 (Tex. App.—Amarillo 1983, orig. proceeding)). Relator's claimed restraint of liberty concerns eligibility for parole from a criminal sentence of confinement in the penitentiary. We therefore lack habeas jurisdiction. *See In re Welty,* 07-08-0195-CV, 2008 Tex. App. LEXIS 3276, at *2 (Tex. App.—Amarillo May 6, 2008, orig. proceeding) (per curiam, mem. op.) (citing *Ex parte Hawkins,* 885 S.W.2d at 588) (section 22.221(d) "does not grant this Court original jurisdiction to issue a writ of habeas corpus in a criminal proceeding"). Instead, habeas jurisdiction in criminal law matters lies with the court of criminal appeals, the district courts, the county courts or a judge of those courts. TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2005).

Relator's petition for writ of habeas corpus is dismissed for want of jurisdiction.

James T. Campbell
Justice

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