Opinion filed April 2, 2015

In The

Eleventh Court of Appeals

No. 11-15-00071-CR

EX PARTE ROBERT MUNOZ

Original Proceeding

M E M O R A N D U M O P I N I O N

Robert Munoz has filed in this court an application for writ of habeas corpus for release pending appeal so that he can be released from jail while an appeal of his convictions is pending in this court.[1] In the application, Munoz asks that a hearing be set on the matter; Munoz also requests that bail be set. We dismiss for want of jurisdiction.

An intermediate appellate court "does not possess original habeas corpus jurisdiction of a bail issue" in a criminal case. *Ortiz v. State*, 299 S.W.3d 930, 932 (Tex. App.—Amarillo 2009, no pet.); *see In re Spradley*, No. 12-10-00011-CR, 2010 WL 702252 (Tex. App.—Tyler Feb. 26, 2010, orig. proceeding) (mem. op.,

[1]Our records indicate that Munoz was convicted of two counts of sexual assault of a child and that his appeal from those convictions is pending in this court under our Cause No. 11-13-00139-CR.

not designated for publication); *Ex parte Enriquez*, 2 S.W.3d 362 (Tex. App.—Waco 1999, orig. proceeding); *see also* TEX. CONST. art. V, §§ 5, 6. We can find no authority that would permit this court to exercise original jurisdiction to set bail pending the appeal of Munoz's convictions. Consequently, we dismiss Munoz's application for writ of habeas corpus.

This proceeding is dismissed for want of jurisdiction.

PER CURIAM

April 2, 2015

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.