

## Review of Recent Juvenile Cases (2007)

by  
The Honorable Pat Garza  
Associate Judge  
386th District Court  
San Antonio, Texas

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### **Court of Appeals does not have original habeas corpus jurisdiction of a person confined pursuant to an adjudication and disposition in juvenile court.[In re Hall](07-1-10)**

**On December 13, 2006, the San Antonio Court of Appeals dismissed original habeas corpus petition for a child confined pursuant to an adjudication and disposition in juvenile court because Court of Appeals lacks jurisdiction for such action**

¶ 07-1-10. *In re Hall*, MEMORANDUM, No. 04-06-00835-CV, 2006 Tex.App.Lexis 10611 (Tex.App.— San Antonio, 12/13/06).

**Facts:** Original Habeas Corpus Proceeding n1

n1 This proceeding arises from Cause No. 95-JUV-01540, styled *In the Matter of J.A.H.*, filed in the 289th Judicial District Court, Bexar County, Texas, the Honorable Carmen Kelsey presiding.

On November 30, 2006, James Allen Hall filed an original petition for a writ of habeas corpus complaining of his commitment stemming from a juvenile adjudication of delinquency.

**Held:** Dismissed for lack of jurisdiction

**Memorandum Opinion:** A person confined pursuant to an adjudication and disposition in juvenile court is entitled to seek habeas corpus relief in the appropriate court; however, this court does not have original habeas corpus jurisdiction of such matters. *See Ex parte Valle, 104 S.W.3d 888, 889-90 (Tex. Crim. App. 2003); TEX. FAM. CODE ANN. § 56.01(o)* (Vernon 2002); *see also TEX. GOV'T CODE ANN. § 22.221 (d)* (Vernon 2004) (delineating original habeas corpus jurisdiction of intermediate appellate courts).

**Conclusion:** Accordingly, Hall's petition, his motion for leave to file a petition, and his motion for court-appointed counsel are dismissed for lack of jurisdiction.

PER CURIAM