

COURT OF APPEALS OF TEXAS, TENTH APPELLATE DISTRICT AT WACO

In re William Penn Dixon

No. 10-26-00131-CR (Tex. App.—Waco Apr. 23, 2026) · No. 10-26-00131-CR · Decided April 23, 2026

SUMMARY

The Tenth Court of Appeals of Texas dismissed William Penn Dixon’s petition for writ of habeas corpus for want of jurisdiction. The court held that intermediate appellate courts lack original habeas corpus jurisdiction in criminal matters and noted that Dixon, who was represented by appointed counsel, was not entitled to hybrid representation.

CASE DETAILS

COURT	Court of Appeals of Texas, Tenth Appellate District at Waco
WRITING FOR THE COURT	Justice Steve Smith; Chief Justice Johnson; Justice Smith; Justice Harris
JURISDICTION	Court of Appeals of Texas, Tenth Appellate District
DECIDED	April 23, 2026
DOCKET	10-26-00131-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding in which William Penn Dixon sought a writ of habeas corpus, an order requiring the trial court to respond and make findings, suppression of evidence, and dismissal of pending criminal charges.
STANDARD OF REVIEW	Jurisdiction is determined as a matter of law.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do not publish.
PARTIES	William Penn Dixon v. State of Texas

TOPICS

- habeas corpus
- appellate jurisdiction
- criminal procedure
- suppression of evidence
- right to counsel

PRACTICE AREAS

- criminal procedure
- habeas corpus
- appellate jurisdiction
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the Tenth Court of Appeals has original habeas corpus jurisdiction over Dixon's criminal-law claims.
2. Whether the court could grant Dixon's requests for suppression of evidence, dismissal of the criminal charges, and an order requiring the trial court to respond.

HOLDINGS

1. Intermediate appellate courts do not have original habeas corpus jurisdiction in criminal-law matters.
2. Dixon's petition for writ of habeas corpus must be dismissed for want of jurisdiction.

KEY QUOTATIONS

“Intermediate appellate courts do not have original habeas corpus jurisdiction in criminal law matters.” (1)

“Accordingly, we dismiss Dixon’s petition for writ of habeas corpus for want of jurisdiction.” (1)

FACTUAL BACKGROUND

Dixon was facing pending criminal charges and claimed that the trial court should dismiss them because of an illegal search. He alleged that the Brazos County District Clerk would not file his pro se habeas petition and that the trial court would not hold a hearing. Dixon also indicated that he was represented by appointed trial counsel, who allegedly refused to file a motion to suppress.

PROCEDURAL HISTORY

Dixon alleged that the Brazos County District Clerk refused to file his pro se habeas petition and that the trial court refused to hold a hearing on it. The Tenth Court of Appeals dismissed the original proceeding because an intermediate appellate court lacks original habeas corpus jurisdiction in criminal matters.

DISPOSITION

dismissed

CASES CITED

- Ex parte Braswell, 630 S.W.3d 600, 601-02 (Tex. App.—Waco 2021, orig. proceeding)
- Robinson v. State, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007)

OPINION

In Re William Penn Dixon v. the State of Texas

PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-26-00131-CR In re William Penn Dixon Original Proceeding JUSTICE SMITH delivered the opinion of the Court.

MEMORANDUM OPINION

William Penn Dixon, proceeding pro se, filed a document entitled “Petition for Writ of Habeas

Corpus” with this Court. He claims that the Brazos County District Clerk has refused to file his pro se petition for writ of habeas corpus and that the trial court has refused to hold a hearing on the petition, in which Dixon claims that the trial court should dismiss his pending criminal charges based on an illegal search. He asks that we “order the trial court to respond to the writ” and “send findings of facts [sic],” and further requests that we suppress the evidence and dismiss the charges. Intermediate appellate courts do not have original habeas corpus jurisdiction in criminal law matters. See TEX. GOV’T CODE ANN. § 22.221(d). Jurisdiction to grant a writ of habeas corpus in a criminal case vests with the Court of Criminal Appeals, the district courts, the county courts, or any judge in those courts. See TEX. CODE CRIM. PROC. ANN. art. 11.05; *Ex parte Braswell*, 630 S.W.3d 600, 601-02 (Tex. App.—Waco 2021, orig. proceeding).¹ Accordingly, we dismiss Dixon’s petition for writ of habeas corpus for want of jurisdiction.

STEVE SMITH

Justice OPINION DELIVERED and FILED: April 23, 2026 Before Chief Justice Johnson, Justice Smith, and Justice Harris Dismissed Do not publish OT06 1 We note that Dixon also indicated in his petition that he is represented by court-appointed trial counsel and that appointed counsel refused to file a motion to suppress on his behalf. Though Dixon questions his appointed counsel’s qualifications, a defendant represented by counsel is not entitled to hybrid representation. See *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). In re William Penn Dixon Page 2