

COURT OF APPEALS OF TEXAS, TENTH APPELLATE DISTRICT AT WACO

In re Bryan Lacy Swisher

No. 10-26-00066-CR (Tex. App.—Waco Mar. 12, 2026) (mem. op.) · No. 10-26-00066-CR · Decided March 12, 2026

SUMMARY

The Tenth Court of Appeals of Texas dismissed Bryan Lacy Swisher’s pro se application for a writ of habeas corpus for want of jurisdiction. The court held that intermediate appellate courts lack original habeas corpus jurisdiction in criminal matters and explained that such jurisdiction rests with specified trial courts and the Texas Court of Criminal Appeals.

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	March 12, 2026
DOCKET	10-26-00066-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding in which Swisher sought habeas corpus relief in the intermediate court of appeals.
PRECEDENTIAL VALUE	Unpublished; the opinion states: Do not publish.
PARTIES	Bryan Lacy Swisher v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the Court of Appeals has original habeas corpus jurisdiction over a criminal habeas application.

HOLDINGS

1. An intermediate court of appeals does not have original habeas corpus jurisdiction in criminal law matters; jurisdiction to grant a criminal habeas writ lies with the Court of Criminal Appeals, district courts, county courts, or a judge of one of those courts.

KEY QUOTATIONS

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

“Accordingly, we dismiss Swisher’s application for writ of habeas corpus for want of jurisdiction.” (Page 1)

FACTUAL BACKGROUND

Swisher was convicted of continuous sexual abuse of a child and indecency with a child. He previously appealed those convictions, and the Court of Appeals affirmed. He then filed a pro se document raising double-jeopardy, actual-innocence, Brady suppression, and perjured-testimony claims, which the court construed as an application for habeas corpus.

PROCEDURAL HISTORY

Swisher filed a pro se document construed as an application for writ of habeas corpus challenging convictions in trial court cause number 2016-774-C1. The court noted that it had previously affirmed the convictions and dismissed the habeas application for want of jurisdiction because intermediate courts of appeals lack original habeas corpus jurisdiction in criminal matters.

DISPOSITION

dismissed

CASES CITED

- Swisher v. State, No. 10-19-00285-CR, 2020 WL 7867281 (Tex. App.—Waco Dec. 30, 2020, pet. ref’d) (mem. op., not designated for publication)
- Ex parte Braswell, 630 S.W.3d 600, 601-02 (Tex. App.—Waco 2021, orig. proceeding)
- Brady v. Maryland, 373 U.S. 83 (1963)

OPINION

In Re Bryan Lacy Swisher v. the State of Texas

PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-26-00066-CR In re Bryan Lacy Swisher
Original Proceeding JUSTICE SMITH delivered the opinion of the Court.

MEMORANDUM OPINION

Bryan Lacy Swisher, proceeding pro se, filed a document in this Court that we construe as an

application for writ of habeas corpus. This document addresses Swisher's convictions in trial court cause number 2016-774-C1 for the offenses of continuous sexual abuse of a child and indecency with a child. See TEX. CODE CRIM. PROC. ANN. art. 11.07.1 Swisher raises claims of double jeopardy and actual innocence, and argues that the State suppressed evidence in violation of Brady v. Maryland, 373 U.S. 83 (1963), and knowingly sponsored perjured testimony. 1We previously affirmed these convictions. See Swisher v. State, No. 10-19-00285-CR, 2020 WL 7867281 (Tex. App.—Waco Dec. 30, 2020, pet. ref'd) (mem. op., not designated for publication). 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). Accordingly, we dismiss Swisher's application for writ of habeas corpus for want of jurisdiction.

STEVE SMITH

Justice OPINION DELIVERED and FILED: March 12, 2026 Before Chief Justice Johnson, Justice Smith, and Justice Harris Dismissed Do not publish OT06 In re Bryan Lacy Swisher Page 2