



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-67,697-05

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**EX PARTE CHESTER KENNEDY, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 114-1325-06-C  
IN THE 114<sup>TH</sup> DISTRICT COURT FROM SMITH COUNTY**

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*Per curiam.*

### ORDER

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of theft and a jury sentenced Applicant to ten years' imprisonment. The Twelfth Court of Appeals affirmed his conviction and sentence. *Kennedy v. State*, No. 12-11-0325-CR (Tex. App.—Tyler, December 23, 2009).

After a live hearing, the trial court signed findings of fact and conclusions of law that were based on the record and the testimony at the writ hearing. The trial court recommended that relief

be denied.

This Court does not adopt the trial court's conclusion of law number 10(a). Based on the trial court's other findings of fact and conclusions of law, as well as this Court's independent review of the entire record, we deny relief.

Filed: August 21, 2013

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