

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00011-CR

IN RE TERRY HELMCAMP

Original Proceeding
435th District Court of Montgomery County, Texas
Trial Cause No. 12-01-00757

MEMORANDUM OPINION

Relator Terry Helmcamp filed a pro se petition for writ of prohibition, in which he argues that the waiver, consent, judicial confession, and plea agreement he signed in accordance with his guilty plea are illegal and unconstitutional. Specifically, Helmcamp asserts that (1) he waived his constitutional right to trial under duress, (2) the State failed to allow him access to exculpatory evidence in violation of the Michael Morton Act, and (3) the State coerced him to waive his right to service of a copy of the indictment. Helmcamp asks this Court to “prohibit” said allegedly unlawful and unconstitutional actions.

A writ of prohibition directs a lower court to refrain from doing some act. *In re Lambert*, 993 S.W.2d 123, 126 (Tex. App.—San Antonio 1999, orig. proceeding). A writ of prohibition will only issue to prevent the threatened commission of a future act; that is, it will not issue to undo an act that has already been performed. *State ex rel. Rodriguez v. Onion*, 741 S.W.2d 433, 435 (Tex. Crim. App. 1987). The relief Helmcamp seeks pertains to actions that have already occurred, and such relief is not consistent with a request for a writ of prohibition. *See id.* Accordingly, we deny Helmcamp’s petition for a writ of prohibition.

PETITION DENIED.

PER CURIAM

Submitted on January 24, 2017
Opinion Delivered January 25, 2017
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.