

NO. 12-12-00064-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

MICHAEL A. KENNEDY,

§

ORIGINAL PROCEEDING

RELATOR

§

MEMORANDUM OPINION

Relator Michael A. Kennedy has filed a petition for writ of prohibition in which he frames his complaints as follows:

1. The trial court and State's prosecutor presents issues and is appointing attorney Michael Kennedy threatened counsel and attorney the court should be prohibited.
2. The trial court want to play games with the 12th Court of Appeals and clerk[]s of court.

In a second document, which we have construed as a supplemental petition for writ of prohibition, Relator states the issues as follows:

1. Michael A. Kennedy motion and requests to the trial court and court reporter[]s to include the reading of the indictment in No. 29326 to show the jury the indictment false.
2. Trial court acts of malicious prosecution when trial judge appointing counsel the Relator threatened counsel should not be appointed by Judge Calhoon and prohibited by judge.

We deny the petition.

DISCUSSION

An original appellate proceeding is commenced by filing a petition with the clerk of the appropriate appellate court. TEX. R. APP. P. 52.1. Texas Rule of Appellate Procedure 52.3

identifies certain information the petition must include. To comply with Rule 52.3, one seeking mandamus relief must provide the court with clear and concise argument for the contentions made with citation to authority and the record or appendix. TEX. R. APP. P. 52.3(h). This duty entails more than proffering mere conclusions. *In re Kuhler*, 60 S.W.3d 381, 384 (Tex. App.–Amarillo 2001, orig. proceeding). Rather, the relator must provide substantive analysis or discussion of the facts and authorities relied upon. *Id.* The relator must also provide an appendix that includes a certified or sworn copy of any order complained of, or any other document showing the matter complained of. TEX. R. APP. P. 52.3(k)(1)(A). And finally, the relator must furnish a record that includes a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding. TEX. R. APP. P. 52.7(a)(1).

Here, Relator does not provide clear and concise argument for the contentions he makes or any supporting authorities. *See* TEX. R. APP. P. 52.3(h). Instead, his discussion of his complaints primarily consists of conclusory statements with no substantive analysis. Moreover, Relator has not provided an appendix or a record. *See* TEX. R. APP. P. 52.3(k)(1)(A); TEX. R. APP. P. 52.7(a)(1). Consequently, we are unable to determine the basis for Relator’s complaints.

DISPOSITION

We are unable to determine from the materials filed in this proceeding that Relator is entitled to a writ of prohibition. Accordingly, Relator’s petition for writ of prohibition, which includes his supplemental petition, is *denied*. All pending motions are overruled as moot.

JAMES T. WORTHEN
Chief Justice

Opinion delivered May 23, 2012.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)