

**NO. 12-17-00088-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*IN RE:* §  
*MICHAEL KENNEDY,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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***MEMORANDUM OPINION***  
***PER CURIAM***

Relator, Michael Kennedy, has filed this original proceeding, in which he presents multiple arguments that all arise out of his criminal conviction in trial court cause number 29326. Relator’s conviction has been final for several years, and cause number 29326 is not currently pending in the trial court. See *Kennedy v. State*, No. 12–11–00041–CR, 2012 WL 3201924, at \*8 (Tex. App.–Tyler Aug. 8, 2012, pet. ref’d) (mem. op., not designated for publication) (affirming judgment on punishment); see also *Kennedy v. State*, No. 12–08–00246–CR, 2009 WL 4829989, at \*3–4 (Tex. App.–Tyler Dec. 16, 2009, pet. stricken) (mem. op., not designated for publication) (affirming judgment of conviction). Thus, Relator’s petition for writ of mandamus constitutes a collateral attack on his conviction. Only the Texas Court of Criminal Appeals has authority to grant post-conviction relief from final felony convictions.<sup>1</sup> See *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); see also *In re Briscoe*, 230 S.W.3d 196, 196-97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Accordingly, we *dismiss* Relator’s petition for writ of mandamus for *want of jurisdiction*.

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<sup>1</sup> On February 15, 2017, the Texas Court of Criminal Appeals issued an abuse of writ order against Relator, in which it found that he (1) filed seven applications regarding his conviction, (2) “continues to raise issues that have been presented and rejected in previous applications or that should have been presented in previous applications[.]” and (3) “[b]ecause of his repetitive claims, ... [his] claims are barred from review under Article 11.07, § 4, and are waived and abandoned by his abuse of the writ.” *Ex Parte Michael Allyn Kennedy*, No. WR-75,385-24 (Tex. Crim. App. Feb. 15, 2017).

Opinion delivered March 31, 2017.  
*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)



**COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**  
**JUDGMENT**

MARCH 31, 2017

NO. 12-17-00088-CR

**MICHAEL KENNEDY,**  
Relator  
V.

**HON. MARK A. CALHOON,**  
Respondent

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the petition for writ of mandamus filed by Michael Kennedy; who is the relator in Cause No. 29326, pending on the docket of the 3rd Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on March 29, 2017, and the same having been duly considered, because it is the opinion of this Court that it lacks jurisdiction, it is therefore CONSIDERED, ADJUDGED and ORDERED that the said petition for writ of mandamus be, and the same is, hereby **dismissed for want of jurisdiction.**

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*