

**NO. 12-17-00279-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*EX PARTE:* §  
*MICHAEL KENNEDY,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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

Michael Kennedy, acting pro se, appears to seek habeas corpus relief on grounds that the judgment in his criminal conviction is void.

However, the only proper means of collaterally attacking a final felony conviction is by a petition for writ of habeas corpus under Article 11.07 of the code of criminal procedure. TEX. CODE. CRIM. PROC. ANN. art. 11.07 § 5 (West 2005) (“After conviction the procedure outlined in this Act shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner.”). This Court has no jurisdiction over complaints that may be raised only by postconviction habeas corpus proceedings brought under Article 11.07. *See id.* arts. 11.05, 11.07 (West 2005). Only the convicting court and the court of criminal appeals have any role to play in attempts to raise postconviction challenges to final felony convictions. *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). For that reason, we may not grant a writ of mandamus, a writ of injunction, or any other writ of any kind that would result in vacating a judgment of conviction. *In re Cain*, No. 12-15-00143-CR, 2016 WL 4379475, at \*1 (Tex. App.—Tyler Aug. 17, 2016, orig. proceeding) (mem. op., not designated for publication); *see Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding) (holding that in granting writ of mandamus to vacate conviction appellate court found void, court of appeals usurped exclusive authority of court of

criminal appeals to grant postconviction relief). Accordingly, we *dismiss* this application for writ of habeas corpus for *want of jurisdiction*.

Opinion delivered September 29, 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(DO NOT PUBLISH)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**

**SEPTEMBER 29, 2017**

**NO. 12-17-00279-CR**

**EX PARTE: MICHAEL KENNEDY,**  
Relator

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the application for writ of habeas corpus filed by Michael Kennedy; who is the relator in Cause No. 29326. Said application for writ of habeas corpus having been filed herein on September 14, 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 application for writ of habeas corpus 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.*