

NO. 12-17-00339-CR

NO. 12-17-00340-CR

NO. 12-17-00341-CR

**IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS**

EX PARTE:

§

MICHAEL KENNEDY,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator, Michael Kennedy, has filed two petitions for writ of habeas corpus and a motion for “prohibited and injunction.” In cause number 12-17-00339-CR, he contends that there was no judgment or sentence in trial court cause number 18,349. In cause number 12-17-00340-CR, he argues that there was no waiver of a jury trial in trial court cause number 19061. Finally, in cause number 12-17-00341-CR, he accuses this Court of falsifying an indictment in trial court cause number 29326.

Relator has not provided the “clear and concise argument” and “appropriate citations to authorities” required by Texas Rule of Appellate Procedure 52.3(h). *See* TEX. R. APP. P. 52.3(h). Additionally, this Court has no authority to issue writs regarding complaints that may only be raised by a post-conviction habeas corpus proceeding filed with the court of criminal appeals. *See Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991); *see also In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding); TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2006).¹ Relator’s repeated filing of frivolous

¹ 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[.]”

proceedings wastes scarce judicial and fiscal resources.² See *Ex parte Jones*, 97 S.W.3d 586, 588 (Tex. Crim. App. 2003); see also *In re Lucas*, No. 09-14-00106-CR, 2014 WL 1285396 (Tex. App.—Beaumont Mar. 26, 2014, orig. proceeding) (mem. op., not designated for publication). We *dismiss* the petitions for writ of habeas corpus and the motion for “prohibited and injunction” for *want of jurisdiction*.

Opinion delivered November 8, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)

and (3) “[b]ecause of his repetitive claims, ... Applicant’s claims are barred from review under Article 11.07, § 4, and are waived and abandoned by his abuse of the writ.” *Ex Parte Kennedy*, No. WR-75,385-24 (Tex. Crim. App. Feb. 15, 2017).

² On its own initiative, an appellate court may--after notice and a reasonable opportunity to respond--impose just sanctions on a party who is not acting in good faith as indicated by (1) filing a petition that is clearly groundless; (2) grossly misstating or omitting an obviously important and material fact in the petition or response; or (3) filing an appendix or record that is clearly misleading because of the omission of obviously important and material evidence or documents. TEX. R. APP. P. 52.11; see also *In re Altschul*, 146 S.W.3d 754, 755 (Tex. App.—Beaumont 2004, orig. proceeding).



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

NOVEMBER 8, 2017

NO. 12-17-00339-CR

MICHAEL KENNEDY,
Relator

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of habeas corpus filed by Michael Kennedy; who is the relator in Cause No. 18349. Said petition for writ of habeas corpus having been filed herein on November 2, 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 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.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

NOVEMBER 8, 2017

NO. 12-17-00340-CR

MICHAEL KENNEDY,
Relator

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the motion for “prohibited and injunction” filed by Michael Kennedy; who is the relator in Cause No. 19061. Said motion for “prohibited and injunction” having been filed herein on November 2, 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 motion for “prohibited and injunction” 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.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

NOVEMBER 8, 2017

NO. 12-17-00341-CR

MICHAEL KENNEDY,
Relator

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of habeas corpus filed by Michael Kennedy; who is the relator in Cause No. 29326. Said petition for writ of habeas corpus having been filed herein on November 2, 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 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.