PD-1233-12 NO. _____

MICHAEL A. KENNEDY
VS.
THE STATE OF TEXAS
AND 12TH COURT OF APPEALS
TYLER, TEXAS JUDGES.

§ TEXAS COURT OF
§ CRIMINAL APPEALS
§ AUSTIN, TEXAS

RECEIVED IN
COURT OF CRIMINAL APPEALS
DEC 21 2015
Abel Acosta, Clerk

MOTION FOR REMAND 12TH COURT OF APPEALS OPINION FOR FAILURE TO RECUSAL ON TIMELY MOTION FOR EXTRAORDINARY ISSUANCE

I. PARTIES INVOLVED OF PETITIONER

MICHAEL A. Kennedy. Appellant/ petitioner.
3870 FM 350 South Livingston. TX 77351

II. PARTIES INVOLVED OF APPELLEE

The CRIMINAL District Attorney Office 500
N. Church St. Palestine. TX 75802

III. PARTIES INVOLVED OF TRIAL JUDGE

MARK Calhoun, 3RD JUDICIAL District Court 500
N. Church St. Palestine, TX 75801

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IV. PARTIES INVOLVED OF COURT OF APPEALS

THE 12TH COURT OF APPEALS JUDGES 1517 W. FRONT ST. SUITE 354 TYLER, TX 75802

V. ISSUES PRESENTED

The 12th COURT OF APPEALS VIOLATED DUE PROCESS OF LAW UNDER TEX. R. APP. PROC. § 16.1, 2, 3. NOT RECUSAL THEMESELVE ON PETITIONER TIMELY OBJECTIONS IN TRIAL COURT NO. 29326 AND APPEAL NO. 12-11-00041-CR WAS WITHOUT CERTIFY ORDER DENYING TO THE ENTIRE TRIAL COURT.

VI. FACT OF THE CASE

PETITIONER MICHAEL ALLEN KENNEDY FILED TIMELY MOTIONS TO RECUSAL THE 12TH COURT OF APPEALS JUDGES ON FACTS THAT JUDGE SAM GRIFFITH WAS RELATED TO THE VICTIM FORREST BRADBERRY. ALSO DENIED OF PETITIONER CONSTITUTIONAL RIGHTS AND ALLOW THE APPELLANT TO COMMIT JUDICIAL MISCONDUCT IN TRIAL COURT. SEXUAL ASSUALT AND ASSAULT ON JURY. THE 12TH COURT OF APPEAL DENIED TO RECUSAL OR FORWARD MOTION TO HIGHER COURT.

ARGUMENTS

The 12th Court of Appeals violated due process of law under Tex. R. App. Proc. § 16.1 2.3, not Recusal themeselve on petitioner timely objections in trial court No. 29326 and Appeal No. 12-11-00041-CR was without a certify order denying to the entire trial court.

There was no dispute or in dispute fact that petitioner filed timely motions to Recusal trial court Judges and the 12th court of Appeals Judges, pursuant to Tex. R. App. P. § 16.1.2.3, The 12th court of Appeals Judges in fact Refuses to Recusal themeselve or to certify the entire cose to the trial court required in the clouse. Tex. R. App. P. § 16.2.3, The 12th court of Appeals never denied the Motion to Recusal and the petitioner claims that Sum Griffith was related to the victim Forrest Bradberry and also the

next Reasons. Secondly the 12th Court of Appeals denied the petitioner discovery and Allowed the trial Court to Suppression Mental Report from the petitioner that founded the petitioner incompetent to Stand trial. and Third. The Court of Appeals denied the petitioner indigent Appeal counsel on timely motions to trial Court and denial of the 12th Court of Appeals, Fourth, The 12th Court of Appeals destroyed Records where the petitioner went incompetent in trial No. 24326, where the 12th Court of Appeal allowed petitioner to sexual Assault Jury. Threat Court official deputy Sheriff, Court Report and Jurors,

Conclusion

For the Reasons the petitioner Respectfully Requests that the conviction and Appeal in No. 12-11-00041-CR. Michael A. Kennedy vs. The State of Texas, trial Court No. 24326. is Remanded for a new Appeal and transfer to another Appeal Court or a higher Court for Redetermination.

For a new Appeal process and indigent Appointment of Appeal Counsel;

Respectfully Submitted

Michael A. Kennedy
#1516203
3872 FM 350 South
Livingston, TX 77351

REASONS FOR GRANTING THE EXTRODINARY WRIT

I, Michael A. Kennedy, Clearly States that OUR Texas Court of Criminal Appeals needs to enforce the laws and the Motions to Recuse the Judges in Texas Court of States Appeals Should not be denied OR Refused to Answer OR without a certify COPY OR Order to trial Court in the entire Case. NO. 29326 OR NO. 12-11-00041-CR, The Texas Law and The United States Constitutions Shall be equally proteected by OUR Judicial System and Courts. Are We are without no Rights.

Michael A. Kennedy

CERTIFICATE OF SERVICE

I, Michael A. Kennedy, TDC#1516203, I hereby certify a true and correct copy to the following parties. Postage prepaid by petitioner on this 13, 2006 of December,

To:

12th Court of Appeals, Judges,
1517 W. Front St. Suite 354
Tyler, TX 75702

Crim. District Atty, Anderson County, Texas
500 N. Church St. Palestine, TX 75801

Texas Attorney General office.
P.O. Box 12548 Austin, TX 78711

Trial Court Judge. MARK Calhoun
500 N. Church St. Palestine, TX 75801

No. _____

_____

IN THE

TEXAS COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

_____ — PETITIONER

(Your Name) MICHAEL A. KENNEDY

VS.

THE STATE OF TEXAS — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☑ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

3RD JUDICIAL DISTRICT COURT OF ANDERSON COUNTY, TEXAS

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☑ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____

_____, or

☑ a copy of the order of appointment is appended.

_____

(Signature)

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, M. Chad A. Kenney, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$ NONE	$ NONE	$ NONE	$ NONE (N/A)
Self-employment	$ N/A	$ N/A	$ N/A	$ N/A
Income from real property (such as rental income)	$ N/A	$ N/A	$ N/A	$ N/A
Interest and dividends	$ N/A	$ N/A	$ N/A	$ N/A
Gifts	$ N/A	$ N/A	$ N/A	$ N/A
Alimony	$ N/A	$ N/A	$ N/A	$ N/A
Child Support	$ N/A	$ N/A	$ N/A	$ N/A
Retirement (such as social security, pensions, annuities, insurance)	$ N/A	$ N/A	$ N/A	$ N/A
Disability (such as social security, insurance payments)	$ N/A	$ N/A	$ N/A	$ N/A
Unemployment payments	$ N/A	$ N/A	$ N/A	$ N/A
Public-assistance (such as welfare)	$ N/A	$ N/A	$ N/A	$ N/A
Other (specify): _____	$ N/A	$ N/A	$ N/A	$ N/A
Total monthly income:	$ N/A	$ N/A	$ N/A	$ N/A

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	$ N/A
			$
			$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	$ N/A
			$
			$

4. How much cash do you and your spouse have? $ N/A
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
N/A		$ N/A	$ N/A
		$	$
		$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description N/A
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	$ N/A	$ N/A
	$	$
	$	$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? ☐ Yes ☑ No Is property insurance included? ☐ Yes ☑ No	$ N/A	$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ N/A	$ N/A
Home maintenance (repairs and upkeep)	$ N/A	$ N/A
Food	$ N/A	$ N/A
Clothing	$ N/A	$ N/A
Laundry and dry-cleaning	$ N/A	$ N/A
Medical and dental expenses	$ N/A	$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	$ N/A	$ N/A
Recreation, entertainment, newspapers, magazines, etc.	$ N/A	$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ N/A	$ N/A
Life	$ N/A	$ N/A
Health	$ N/A	$ N/A
Motor Vehicle	$ N/A	$ N/A
Other: N/A	$ N/A	$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): N/A	$ N/A	$ N/A
Installment payments		
Motor Vehicle	$ N/A	$ N/A
Credit card(s)	$ N/A	$ N/A
Department store(s)	$ N/A	$ N/A
Other: N/A	$ N/A	$ N/A
Alimony, maintenance, and support paid to others	$ N/A	$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ N/A	$ N/A
Other (specify): N/A	$ N/A	$ N/A
Total monthly expenses:	$ N/A	$ N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? N/A

☐ Yes ☑ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☐ No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☑ No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: N/A, 20___

_____

(Signature)