

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL ALLYN KENNEDY - PETITIONER
VS.

THE STATE OF TEXAS - RESPONDENT(S).

ON PETITION FOR A WRIT OF CERTIORARI TO
TEXAS COURT OF CRIMINAL APPEALS IN MICHAEL
ALLYN KENNEDY VS. STATE OF TEXAS IN NO. CR-
75-385-SS

PETITION FOR WRIT OF CERTIORARI

MICHAEL ALLYN KENNEDY
#1516203
ALLEN B. POLUNSKY UNIT DEATH ROW
3872 FM 350 SOUTH
LIVINGSTON, TEXAS 77351

QUESTIONS PRESENTED

The trial Court had no charge or no offense date to impose a conviction without a reading of an indictment and no jury could convict the Petitioner without a date to the offense.

QUESTIONS PRESENTED

Where the trial Court and the State's Prosecutor Refusal and Failed to make any responses to the state habeas corpus petition, The Texas Appeals Court cannot make fact-finders or conclusions of laws without the trial Court answering the petition, and the court cannot cite abuse of the writ.

LIST OF PARTIES

MICHAEL ALLYN KENNEDY
#1516203

POLUNSKY Unit death Row
3872 FM 350 South
LIVINGSTON, Texas 77351

ALLYSON MITCHELL
CRIMINAL DISTRICT ATTORNEY
500 N. Church St
PALESTINE, TEXAS 75801

TEXAS COURT OF CRIMINAL APPEALS
P.O. BOX 12308 Capitol Station
AUSTIN, TEXAS 78711

12TH COURT OF APPEALS DISTRICT
1517 W. FRONT ST. Suite 354
TYLER, TEXAS 75702

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the Judgment below and to correct unconstitutional and void procedural errors.

OPINIONS BELOW

FOR CASES FROM FEDERAL COURTS.

None issues,

FOR CASES FROM STATE COURTS;

The date on which the highest state court decided my case was on APRIL 18, 2018; a copy of that decision appears at Appendix-1 to this petition.

No other petition for rehearing filed by petitioner.

The jurisdiction of this court is invoked under 28 U.S.C. § 1257 (a),

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitutionally provides in some parts as follows:

The Accuse shall have a Right to Notice and the charges and a copy of the indictment which the Accuse will be Charge of the CRIME and offense.

STATEMENT OF THE CASE

OUR JUDICIAL SYSTEM have allowed to much wrongly
COURTS to convict the black Race and poor
peoples, The trial Court Judge, Neither the State's
Criminal District Attorney, OR the other Courts
could show the petitioner any notice of the criminal
charges OR any notice of the indictment Read
against the ~~P~~etitioner during trial. And the
petitioner was not provided any notice of the offense
date and no Reading was made during the trial.
Thus, The trial Court and the other Appeals Courts
cannot show any offense date when a crime was
committed and the facts the petitioner claims that
a JURY OR COURT can impose a sentence OR a
conviction without a date an offense was committed
without a Reading of the indictment, in this case
none exists. The trial Court OR the state's
PROSECUTOR never made any responses OR answer
the habeas corpus petition on the merits and a
failure to respond to the grounds, NO COURT OR
appeals could address the petition without the trial
court and without a trial court ruling - Abuse of writ.

REASONS FOR GRANTING THE PETITION

The trial court had no charge or no offense date to impose a conviction without a reading of an indictment and no jury could convict the petitioner without a date to the offense.

The petitioner argues in short and clearly states that "No jury or trial court judge can impose a conviction without a reading of an indictment and without a jury charge to the offense date." Thus, petitioner claims that the trial court and the other court have no indictment or reading during the petitioner trial. Here, petitioner contends how can it be determined how the jury found the said petitioner guilty, when no date of an offense or the charge was not read by the trial court, the said petitioner cannot show or provide a valid claim of his innocence, and, any way the judgment and conviction was voided for stating an offense of October 9, 2007 when nothing was admitted that the offense was committed by the

Petitioner on October 9, 2007. The Facts and violations invokes the Sixth amendment to the United States constitution. U.S.C.A. Consts. Amends. 6, The questions and issues presents Facts that how can the accuse gain Adequately Relief when there are no offense date to challenge and how could the Jury found the Petitioner guilty without a Reading of an indictment. The Petitioner never Waiver his Rights to be tried on Information and Complaint. How Can this United States Supreme Court found that the trial court and the other Court of Appeals established a offense date and where no Reading of the indictment was readed during the Petitioner trial, The Facts exists that no innocence could be established by the petitioner without the said date of offense readed during trial, The conviction was unconstitutional because the lower courts deprived the Petitioner a Fair Appeal Process or other Remedies even the lower court of Appeals was unable to establish whether an indictment was read,

REASONS FOR GRANTING THE PETITION

Where the trial Court and the State's Prosecution Refusal and Failed to Make any Responses to the State Habeas Corpus Petition. The Texas Appeals Court cannot Make Fact-finders or Conclusions of Law without the trial Court Answering the petition, and the Court cannot cite abuse of the writ

On Post-conviction Review of Habeas Corpus Applications, the convicting Court is the original factfinders, and the reviewing Court is the ultimate factfinder; thus, the reviewing Court generally defers to the convicting courts findings of fact that are supported by the record. Here, in all habeas corpus filed by the petitioner Michael Allyn Kennedy, the trial Court or the State's Prosecutional never Made any Reply or Respond to the petitioner habeas corpus. Therefore, How could the petitioner writ of Habeas Corpus be an abuse of the writ when the trial Court or the State's Prosecutional never Filed a Reply, Responses, Objections to the petitioner habeas Corpus petition? The Court had nothing to Review when the trial Court Made no Reply or Responses to the State habeas corpus writ,

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IN EX PARTE STEVEN MARK WEINSTEIN, 421 S.W.3d
656 CTEX. CRIM. APP. 2014), clearly holds the
trial court in charges with the fact-finders, when
none has been made neither the trial court or by
the highest Appeals Court Then this Court have
nothing to Review OR the Federal Court could
Reject any subsequent Application without an
ANSWER made by the lower Court. The issues
and questions involved the Presented case at
BAR. How can the petitioner be Cited FOR
abuse OF the WRIT without any issues addressing
the habeas corpus petition that no indictment
was Readed during the Petitioner trial and
that there was no offense date to notice OF
the Charges, without Addressing the Claims
of the trial Court OR the Appeals Courts
JO ABUSE OF the WRIT could be filed in the
habeas corpus against the petitioner without
Fact-finders and Conclusion OF laws that
he trial Court Read a indictment and Provided
the petitioner to notice OF the Charges. it
is a questions that this Court have overlooked
OR OVER FORTY years that NO WRIT OF habeas

corpus could be abuse of the writ when there have not been any Fact-finders or findings by the trial court OR without a ANSWER OR a Reply to the habeas corpus petition, our United States Supreme Court should grant CERTIORARI to Review where the trial court could show that the petitioner is not held in violation of the United States Constitution of America, without a Reply the petitioner was denied his due process rights to a fair habeas corpus process and no abuse of a writ of habeas corpus can be imposed until the trial court Reply and responses to the habeas corpus petition. Since the highest court of Criminal Appeals imposed the trial court with the original fact finder, and without the original fact-finders the court of appeals have nothing to review or consider,

Second OR Third writ of habeas corpus is not an abuse of a habeas corpus petition without the original fact-finders of the trial court, in that, none could exist as (1) whether the petitioner met his constitutional claims; (2)

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whether the claims by the petitioner could be denied and (3) whether the highest court of appeals could have made fact-finders without the trial court non-reply or non-responses without the original trial court

factfinders. This court should set the records right without a reply by the trial court in the petitioner claims, no abuse of habeas corpus exists until the trial court makes the original factfinders for the highest court of appeals to review the ultimate factfinder, 1"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted
Michael A. McKenny

Date: May 10, 2018

" The Supreme Court have allowed the lower court to file abuse of a writ on subsequently habeas corpus petition without any original factfinders or responses by a trial court, and the highest court clearly states that the court will not review any lower court decision without the original factfinder of the trial court.