



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0795-11

WILTON LARRON MAHAFFEY, Appellant

v.

THE STATE OF TEXAS

ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE TWELFTH COURT OF APPEALS  
HENDERSON COUNTY

**KELLER, P.J., filed a dissenting opinion in which PRICE and KEASLER, JJ., joined.**

The traffic sign in this case read, "lane ends, merge left." From this sign, we know that the right lane ended. If a person's lane ends, that person must change lanes to continue driving down the roadway. And changing lanes means he must signal. I agree with the court of appeals, which stated:

When the right-hand lane ended, Appellant continued driving in the other southbound lane, previously the lane to his left, that had not ended. To reach that remaining lane, Appellant had to make a leftward lateral maneuver as he departed that lane for another.<sup>1</sup>

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<sup>1</sup> *Mahaffey v. State*, NO. 12-08-00430-CR, 2011 Tex. App. LEXIS 1507, at 12 (March 2, 2011) (not designated for publication).

Because appellant's lane ended,<sup>2</sup> he was required to move into another lane, and he was required to signal before doing so. I would hold that the court of appeals correctly found that appellant executed a lane change without signaling.

I respectfully dissent.

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Publish

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<sup>2</sup> The "merge left" language on the sign does not mean that the lanes merge; it is an instruction to drivers in the right lane. Had the sign said "lanes merge," I would agree that no lane change occurred.