



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. PD-1068-12

FRANCISCO CUERVO MENDOZA, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
MONTGOMERY COUNTY**

Per curiam. Keasler, and Hervey, J.J., dissent.

ORDER

The petition for discretionary review violates Rule of Appellate Procedure 9.3 (b) and 68.4(i) because the original petition is not accompanied by 11 copies and the petition does not contain a copy of the opinion of the court of appeals

The petition is struck. See Rule of Appellate Procedure 68.6.

The petitioner may redraw the petition. The redrawn petition and copies must be filed in the Court of Criminal Appeals within thirty days after the date of this order.

En banc.

Delivered: December 5, 2012

Do Not Publish.