



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

---

---

**NO. PD-1390-12**

---

---

**HERIBERTO GUERRA MARTINEZ, Appellant**

**v.**

**THE STATE OF TEXAS**

---

---

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE FIFTH COURT OF APPEALS  
ROCKWALL COUNTY**

---

---

*PER CURIAM. KEASLER and HERVEY, JJ., dissent.*

**ORDER**

The petition for discretionary review violates Rule of Appellate Procedure 9.3(b) because the original petition is not accompanied by 11 copies.

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.

Filed: November 7, 2012  
Do Not Publish