



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

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**NO. WR-76,823-01**

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**EX PARTE STEVEN ALEXANDER BEARMAN, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
FROM HARRIS COUNTY**

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**JOHNSON, J., filed a concurring statement.**

**STATEMENT CONCURRING IN DISMISSAL  
OF APPLICATION FOR WRIT OF HABEAS CORPUS**

I concur in the dismissal of this application for a writ of habeas corpus. Applications for a writ of habeas corpus that are returnable to this Court pursuant to Tex. Code Crim. Proc. article 11.07 may properly be filed only after a felony conviction becomes final. A felony conviction becomes final when there is no appeal from the conviction or, if the conviction is appealed and affirmed, when the mandate of the appellate court issues. Applications that are filed before a conviction is final must be dismissed.

When applicant filed his application in this Court, the mandate of the appellate court had not

yet issued, nor had this Court acted on his untimely petition for discretionary review. Because his application for a writ was filed prematurely, we must dismiss it, but applicant may file another application for a writ of habeas corpus in this Court once the appellate court issues its mandate. At that time, he may again ask to be granted an opportunity to file an out-of-time petition for discretionary review.

Filed: January 25, 2012  
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