

NO. 07-05-0332-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
MAY 2, 2007

CHRISTIAN BJORGAARD,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 69TH DISTRICT COURT OF DALLAM COUNTY;
NO. 3868; HON. RON ENNS, PRESIDING

On Motion for Rehearing

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Pending before the court is the State's motion for rehearing. Its content leads us to the same end encountered after reading the State's initial brief. Despite the absence of facts surrounding the manner or means underlying appellant's prior conviction, the State seeks to use it for little more than providing the jurors basis from which to infer that because appellant did it before, he must have done it again. Though one's past acts may be indicators of future conduct, evidence used simply to show that the accused acted in

line with his character is inadmissible under the Rules of Evidence. Whether the latter should be reconsidered is not within our prerogative. Accordingly, we overrule the motion before us.

Per Curiam

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