



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-1250-12

MARK ALEXANDER FLEMING, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE SECOND COURT OF APPEALS
DENTON COUNTY**

COCHRAN, J., filed a concurring opinion.

For the reasons set out in my concurring opinions in *Celis v. State*¹ and *Farmer v. State*,² I believe that the Texas statutory mistake-of-fact defense already applies to the offense of consensual statutory rape. Nonetheless, I recognize that this is not the current state of the law in Texas, and therefore I reluctantly join the majority opinion.

Filed: June 18, 2014
Publish

¹ 416 S.W.3d 419, 441-58 (Tex. Crim. App. 2013) (Cochran, J., concurring).

² 411 S.W.3d 901, 908-18 (Tex. Crim. App. 2013) (Cochran, J., concurring).